

22.11.2021
Ct No. 28
D/L 4
ab/rrc

C.R.M. 6016 of 2021
(Via Video Conference)

Re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Titagarh Police Station Case No. 576 of 2021 dated 15.08.2021 under Sections 341/447/323/326/307/506/34 of the Indian Penal Code.

In Re: **Dipankar Das**

... petitioner

Mr. Anil Kumar Chattopadhyay

... for the petitioner

Mr. Saibal Bapuli

Mr. Bibaswan Bhattacharya

.... for the State

The learned Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Titagarh Police Station Case No. 576 of 2021 dated 15.08.2021 under Sections 341/447/323/326/307/506/34 of the Indian Penal Code.

At the first blush, we were inclined to pass an order in favour of the petitioner, but in course of the hearing, the dispute cropped up as to whether the charge sheet has been submitted within the statutory period provided

in the Code of Criminal Procedure. The matter was adjourned in the first half to be taken up at 2.00 p.m. in order to ascertain whether the charge sheet has been submitted within the stipulated period or not.

Mr. Chattopadhyay, learned Advocate appearing for the petitioner was very much vocal in his submission that despite the expiry of the statutory period, the charge sheet has not been submitted and placed reliance upon a so called information slip issued by the Court below.

We examined the said information slip which does not appear to be so. The slip shows that the application for certified copy of the charge sheet was filed and at the bottom on the right hand side, there is an endorsement "No CS" without any seal of the Court. We do not accept such statement to be true as it was not the counterfoil of the application ordinarily filed for seeking information of the Court, but an application for certified copy.

Learned Advocate appearing for the State informs this Court that charge sheet had already been submitted on 30th September, 2021. The petitioner was arrested on 16th August, 2021 and, therefore, the charge sheet was submitted within 1½ months from the date of his arrest and, therefore, the contention of Mr. Chattopadhyay that no charge sheet is submitted, is incorrect.

Now, a drift is shown by Mr. Chattopadhyay that the other co-accused who stand on the same footing, had already been granted bail and, therefore, the petitioner

standing on the same footing may be extended the same benefit.

Our attention is drawn by the learned Advocate appearing for the State that the offending weapon was recovered from the house of the petitioner. In view of the above, we do not find that the petitioner stands on the same footing as that of the other co-accused from whom the offending weapon was not recovered.

In view of the recovery of the offending weapon and the other statements of the witnesses who stand as eye witnesses, we do not think that it is a fit case where the petitioner should be enlarged on bail on the ground of parity. Accordingly, the prayer for bail is rejected.

The application for bail being **CRM 6016 of 2021** is **dismissed**.

(Harish Tandon, J.)

(Rabindranath Samanta, J.)