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02-11-2021

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Court 8

**C.R.M. 6869 of 2021**

**(Via Video Conference)**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Santipur Police Station Case No. 409 of 2021 dated 23.06.2021 under sections 379/411/413/414/34 of the Indian Penal Code.

Biswajit Biswas @ Biswa & Anr.  
Versus  
State of West Bengal

Mr. Shibaji Kumar Das. Adv.  
Ms. Rupsa Sreemani, Adv.

...for the petitioners.

Mr. Debabrata Chatterjee, Adv.  
Mrs. Manasi Roy, Adv.

...for the State

The application for bail is canvassed on the ground that the original FIR under which the petitioners were arrested was under Section 379 of the Indian Penal Code. In an earlier FIR under Sections 302, 201, 396 of the Indian Penal Code, the petitioners have also been tagged in.

Learned Counsel for the petitioners has submitted that the articles that have been seized from the petitioners are certain garments, sewing machine and electrical equipment.

The petitioners have been granted bail in the earlier case being Nakashipara Police Station Case No. 286 of 2021 dated 23<sup>rd</sup> June, 2021.

The Court has perused the case diary. Since it appears to this Court that the evidence in support of the charge-sheet is that the petitioners are habitual offenders, this Court is, therefore, of the view that the application for bail cannot be entertained at this stage and the same be hereby dismissed.

CRM 6869 of 2021 is accordingly dismissed.

**(Rajasekhar Mantha, J.)**

**(Kesang Doma Bhutia, J.)**