

23.11.2021
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Ct. No 29
KAUSHIK
(REJECTED)

C.R.M. 7308 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Haroa** Police Station Case No. **305** of **2021** dated **21.07.2021** under Sections 147/148/149/326/307/302/506/120B of the Indian Penal Code, 1860 and under Sections 25/27 of the Arms Act.

And

In Re : Rajkumar Sardar & Ors.

..... petitioners

Mr. Sekhar Basu
Mr. Abhijit Ganguly

.... for the petitioners

Mr. Mahinoor Rahaman
Ms. Maria Rahaman

.... for the de-facto complainant

Ms. Amita Gaur

.... for the State

Petitioners seek bail.

Learned senior advocate appearing for the petitioner submits that, petitioner nos. 1 to 20 were arrested on July 22, 2021. The petitioner nos. 22 and 23 were arrested on July 13, 2021 and that the petitioner no. 24 arrested on August 24, 2021. The petitioners are in custody since then. The police submitted charge-sheet. Further detention of the petitioners are not required.

Learned senior advocate also submits that, the petitioner nos. 1, 4 to 8, 10, 16, 21 and 24 were not named by the persons recording statements under Section 164 of the Code of Criminal Procedure (Cr. P. C.). The Court should take such fact into

consideration while considering the prayer for bail made on behalf of the petitioner.

Learned senior advocate appearing for the petitioner further submits that, no arms were recovered from the possession of any of the petitioners except petitioner nos. 2, 12, 15, 22 and 23.

Learned advocate appearing for the State submits that, all of the petitioners were named by eye witnesses. She submits that weapons of some nature were recovered from each of the petitioners. She submits that, the police case is now committed on November 15, 2021. She opposes the prayer for bail.

Considering the materials in the case diary and considering the statements of the eye witnesses recorded under Section 161 of the Cr. P. C. and considering the statement recorded under Section 164 of the Cr. P. C. of the eye witnesses and considering the fact that arms of same nature was recovered from possession from each of the petitioners and considering the gravity of the offence and the complicity of the petitioners therein, we are unable to grant bail to the petitioners.

Accordingly, prayer for bail of the petitioner is rejected and the application being CRM 7308 of 2021 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

