

23.11.2021
Court No.29
SL No.664
AP

**CRM 7480 of 2021
(Through Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Sandeshkhali** P.S. Case No.**212 of 2019** dated **02.11.2019** under Sections **147/148/149/186/333/353/326/307/302/427/435** of the Indian Penal Code and under Sections **25/27/35** of the Arms Act.

And

In the matter of: **Swapan Sardar @ Laltu and Ors.**

....Petitioners.

Mr. Md. Jannat Ul Firdous

... for the Petitioners.

Mr. Madhusudan Sur, A.P.P.

Mr. Dipankar Paramanick

...for the State.

Petitioners renew their prayer for bail.

Learned advocate appearing for the petitioners submits that the petitioners were sought to be identified on the strength of the headlight of a motorcycle in a dark night. He questions the quality of such identification of the petitioners. He submits that the petitioners are in custody for more than 750 days. Moreover, the police submitted charge-sheet and, therefore, detention of the petitioners are not required.

Learned advocate for the State submits that the victim identified the five petitioners before his death and named the petitioners to his father and two other persons. The father of the deceased and such two other persons recorded statements under Section 164 of the Criminal Procedure Code claiming that the deceased identified the petitioners as his assailants.

Considering the gravity of the offence and the complicity of the petitioners therein and considering the materials in the case diary and keeping in mind the stage of the trial, we are unable to grant bail to the petitioners.

Accordingly, prayer for bail of the petitioners is rejected and the application being CRM 7480 of 2021 is dismissed.

(Bibhas Ranjan De, J.)

(Debangsu Basak, J.)