

CRM 7827 of 2021
(via video conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Goutam Rana & Anr.

.....Petitioners

Mr. Chittapriya Ghosh
Ms. Priyanka Saha
Ms. Komal Singh

.....for the Petitioners

Mr. Swapan Banerjee
Mr. Anindya Sundar Chatterjee

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioners for release on bail in connection with Andal P.S. Case No. 140 of 2021 under Sections 395/397 of the Indian Penal Code and under Sections 25(1B)(a)/35 of the Arms Act, 1959 adding Section 412 of the Indian Penal Code.

The learned lawyer for the petitioner submitted that the petitioners are in custody for about 215 days. Charge sheet has been filed therefore no custodial detention is necessary. Very few articles were recovered from the present petitioners. There is no chance of immediate commencement of trial. Accordingly, bail is prayed for.

Per contra, the learned lawyer representing the State submitted that there are criminal antecedents against the present petitioners. The allegation is grave and serious and very strong incriminating elements are there against the present petitioners showing the complicity in the alleged crime. There are every

possibility that on release of bail, the present petitioners will be absconding or win over the witnesses. Accordingly, the application for bail is opposed.

We have hard rival submission and perused the case diary. Charge sheet has been filed, but that does not warrant that the petitioners shall mechanically be released on bail. Allegations are very grave and serious and strong incriminating materials are there in the case diary showing involvement of the present petitioners in the alleged crime. Trial is yet to begin.

Therefore, considering the materials in the case diary, we are not inclined to allow the bail and the same stands rejected at this stage.

The application being CRM 7827 of 2021 is dismissed. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)