

25.01.2021
Court No.28
rpan / 30

C.R.M. 9793 of 2020
with
CRAN 1 of 2020
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Girish Park P.S. Case No.19 dated 14.02.2019 under Sections 364(A)/120B of the Indian Penal Code and Sections 25(1b)(a)/27 of the Arms Act.
And

In Re : **Karan Kumar**
...Petitioner.

Mr. Avijit Sarkar
... for the petitioner.
Mr. Binay Kumar Panda,
Ms. Pushpita Saha
... for the State.

The learned advocate for the petitioner submits that the petitioner is in custody for 710 days and there are 38 witnesses, on whom investigating agency has relied upon to prove its case. The learned advocate further submits that out of 11 accused persons so charge-sheeted, 9 accused persons are on bail.

The learned advocate for the State opposes the prayer for bail and draws the attention of this Court to the documents relating to recovery of arms and the T.I. parade. The learned advocate further submits that one of the accused persons namely, Manoj Singh, is absconding from the inception and another accused person, namely Bishnu Prasad Mahato, is absconding after he was being enlarged on bail, and presently warrant of arrest has been issued by the learned trial court. According to the learned advocate for the State, the said

accused, who is absconding after being released on bail, is also from the State of Bihar.

We have taken into account the materials on record which include the seizure list relating to recovery of arms and that of T.I. parade. We have also taken into account the nature and gravity of the offence and the fact that two of the accused persons are absconding and evading the process of law. Having regard to the incriminating materials against the petitioner, coupled with the fact that the petitioner has failed to inspire confidence of this Court so far as his availability at the time of trial is concerned, we are not inclined to release the petitioner on bail at this stage. As such, the prayer for bail of the petitioner is rejected.

The application of bail, being CRM No.9793 of 2020 and the application for early hearing, being CRAN 1 of 2020, are disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)