

CRM (DB) 254 of 2022
(via video conference)

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

And

In Re : Shayed Ali Laskar @ Sahid & Anr.

.....Petitioners

Mr. Rabi Sankar Chattopadhyay
Mr. Uday Sankar Chattopadhyay
Mr. Santanu Maji
Mr. Arabinda Maji

.....for the Petitioners

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Joynagar P.S. Case No. 945 of 2018 dated 28.09.2018 under Sections 302/34 of the Indian Penal Code and Sections 25/27 of the Arms Act.

Mr. Chattopadhyay, learned advocate appearing for the petitioners submits that the petitioner no. 1 is languishing in custody for two years one month and the petitioner no. 2 is languishing in custody for three years three months. They have been falsely implicated. Upon completion of investigation, charge sheet has already been submitted and as such, their further detention may not be necessary moreso when co-accused persons similarly situated with the petitioners, have been enlarged on bail by different co-ordinate Benches of this Court.

Mr. Roy Chowdhury, learned advocate appearing for the State, however, opposes the petitioners' prayer and submits that the

petitioners herein had direct involvement in the alleged offence. From the seizure list, it would be explicit that the offending weapons were seized from the petitioners. Answering our query, he submits that trial has already commenced and there are 19 witnesses. Records reveal that earlier three applications preferred by the petitioners, were rejected by different co-ordinate Benches.

Prima facie, from the materials in the case diary including the statements of the witnesses, it appears that the petitioners had direct involvement in the alleged offence. The seizure lists also reflect that the offending weapons were seized from them. Considering the seriousness of the offence, the manner in which the offence has taken place and the extent of complicity of the petitioners in the alleged offence, we are not inclined to exercise any discretion in favour of the petitioner and as such, their prayer for bail is refused at this stage.

The application CRM (DB) 254 of 2022 is, accordingly, dismissed.

However, the learned Court below directed to expedite the trial and to conclude the same at the earliest without granting any unnecessary adjournment to either of the parties.

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.)