

CRM (DB) 1183 of 2022

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Dhantala Police Station** Case No. **32 of 2021** dated **21.01.2021** under Sections **379/411/413/414/34** of the Indian Penal Code.

- A n d -

In the matter of : Dipak Biswas

.... Petitioner.

Mr. Sananda Bhattacharyya,

... For the Petitioner.

Mr. S. S. Imam,

Mr. A. Manna,

... for the State.

The petitioner prays for bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody for about 470 days. The police filed charge sheet and therefore, further detention of the petitioner is not required. He refers to an order dated November 16, 2021 passed in CRM 5357 of 2021 and submits that another co-accused was enlarged on bail.

Learned Advocate for the State submits that the petitioner does not stand on similar footing as that of the co-accused who was enlarged on bail on November 16, 2021. The petitioner is a habitual offender. The petitioner was convicted for stealing motorcycles in a police case.

Stolen motorcycles were seized from the possession of the petitioner. The petitioner, therefore, cannot be said to be similarly

situated as that of the co-accused who was enlarged on bail on November 16, 2021 since no recovery was made from the possession that co-accused.

Considering the involvement of the petitioner and considering the criminal antecedents of the petitioner, we are not inclined to grant him bail at this stage.

CRM (DB) 1183 of 2022 is, accordingly, dismissed.

(Debangsu Basak, J.)

(Kausik Chanda, J.)