

06.05.2022
Serial no.49
[Dd]
(Bail **Rejected**)

CRM (DB) 1208 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Bankura** Police Station Case No. **97** of **2021** dated **11.06.2021** under Sections **394** of the Indian Penal Code read with Sections **25/27** Arms Act which culminated into Charge sheet no. **189/2021** dated **07.09.2021** under Sections **395/412** of the Indian Penal Code read with Section **25(1)(a)** of Arms Act.

-And-

In the matter of : Chandan @ Babu Garai @ Chandan Gorai
... ..Petitioner

Mr. Sandipan Ganguly,
Mr. L. Vishal Kumar,
Mr. Rajnish Kr. Kalawatia, Advocates
... .. For the Petitioner

Mr. Madhusudan Sur, Id. APP
Mr. Manoranjan Mahata, Advocates
... ..For the State

Petitioner prays for bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 327 days. He submits that the petitioner was never placed in the test identification parade. Despite at least 4 prosecution witnesses being examined at the trial, out of which 3 were eye-witnesses of the incident, they did not identify the petitioner at the trial. He submits that the petitioner is similarly situated as that of Debdas Das @ Gopi who was granted bail by the order dated November 22, 2021 passed in CRM 7489 of 2021. Other co-accuseds similarly placed as that of Debdas Das were also granted bail by this Hon'ble Court. Consequently he seeks bail for the petitioner.

Learned advocate appearing for the State submits that stolen articles were seized from the possession of the

petitioner. Moreover, firearms used in the incident were also seized from the petitioner. The vehicle used in the incident was seized from the possession of the petitioner.

Debdas Das @ Gopi was enlarged on bail by the order dated November 22, 2021 in CRM 7489 of 2021. No stolen articles were seized from the possession of Debdas Das @ Gopi. In the facts of the present case, stolen articles were seized from the possession of the petitioner. There is another co-accused Milan Nag Modak @ Babu enlarged on bail on December 10, 2021 in CRM 6383 of 2021. As against the Milan Nag Modak @ Babu, it was found that the vehicle was registered in the name of his father.

In the present case another vehicle was seized from the possession of the petitioner and the certificate of registration of the vehicle stands in the name of the petitioner.

It is contended on behalf of the petitioner that the stolen articles were yet to be marked as exhibits at the trial at the behest of the owner of the stolen articles. The trial is yet to be concluded. It is not for us while considering a petition for bail to evaluate the evidence at the trial finally.

There are incriminating materials in the case diary as against the petitioner. We are unable to return a finding that the petitioner stands in the same footing as that of Milan Nag Modak @ Babu or Debdas Das @ Gopi who were enlarged on bail by this Hon'ble Court.

Consequently, we are not inclined to grant bail to the petitioner.

Prayer for bail of the petitioner is **rejected**.

CRM (DB) 1208 of 2022 is **dismissed**.

(Debangsu Basak, J.)

(Kausik Chanda, J.)