

10.08.2022
cm/ct 28

C.R.M. (DB) No. 2462 of 2022
With
C.R.M. (DB) No. 2611 of 2022

sl. no. 23 & 24

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Asansol (South) P.S Case No. 75 of 2020** dated **19.02.2020** under Section **395/397** of the Indian Penal Code and read with Section 25/27 of the Arms Act, corresponding to G.R. No. 463/2020 whereby supplementary Charge Sheet being No. 346 of 2020 dated 07.11.2020 under Section 395/397/412 of Indian Penal Code.

Rejected

And

In Re : Chattu Ram @ Banti.

..... petitioner.

In Re: Rajesh Ram @ Rajesh Kumar Ram.

.... Petitioner.

Mr. Sujoy Chakraborty

Ms. Shashwati Bhattacharjee

..... for the petitioner In CRM(DB) 2462 of 2022.

Mr. Biswajit Tiwari

..... for the petitioner in CRM(DB) 2611 of 2022.

Mr. Sudip Ghosh

Mr. Apurba Kr. Dutta

..... for the State in CRM(DB)2462 of 2022

Mr. Saibal Bapuli, Ld. A.P.P.

Mr. Soumik Ganguli

.... for the State in CRM(DB) 2611 of 2022.

In Re: C.R.M. (DB) No. 2462 of 2022

Petitioner is in custody for 355 days. It is contended that he was the driver of the vehicle and did not participate in the dacoity. Co-accuseds have been enlarged on bail.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. There are materials to connect the petitioner with the alleged dacoity. Co-accuseds who were enlarged on bail have absconded. As a result, matter could not be committed to the court of sessions.

In view of the aforesaid facts and circumstances and the gravity of the offence, we are not inclined to grant bail to the petitioner at this stage.

Accordingly, the prayer for bail of the petitioner is rejected.

In Re: C.R.M. (DB) No. 2611 of 2022

Learned lawyer for the petitioner submits there is no one in the family to take care of his minor children. Accordingly, he prays for bail.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. Petitioner was identified in the course of T.I. Parade. There are ample materials connecting him with the alleged dacoity. Co-accuseds who were enlarged on bail have absconded.

Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

Accordingly, the prayer for bail of the petitioner is rejected.

However, we request the trial court to take necessary steps for apprehension of the absconding accuseds and in the event their attendance cannot be procured in spite of exhaustion of all processes, the court shall declare them as proclaimed offenders and commit the case to the court of sessions at the earliest.

Investigating officer is present. His presence is noted and dispensed with.

Copy of the order sent to the court below shall take necessary action.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)