

08.06.2022
01
Ct. No. 01
KAUSHIK
REJECTED

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION

C.R.M. (DB) 79 of 2022
(through video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kharibari** Police Station Case No. **210** of **2021** dated 22.07.2021 under Section 395 of the Indian Penal Code read with Sections 25/27 of the Arms Act.

And

In Re : Md. Golam Mustafa & Ors.

..... petitioners

Mr. Sekhar Basu
Mr. Ayan Basu
Mr. Amit Roy
Mr. Sumit Rout

....for the petitioners

Mr. Aditi Shankar Chakraborty, ld. APP
Mr. Sourav Ganguly

....for the State

Petitioners pray for bail.

Learned senior advocate appearing for the petitioners submits that, the petitioners are in custody for various period of time. The police filed charge-sheet and, therefore, further detention of the petitioners are not required. He submits that, the petitioner nos. 1 and 2 were produced before the Jurisdictional Court beyond 24 hours of the date and time of their arrest. The petitioner no. 1 was not placed before the Test Identification parade. The petitioners were falsely implicated.

Learned Additional Public Prosecutor appearing for the State submits that, the petitioner nos. 1 and 2 were arrested at Aurangabad. He refers to communication regarding transit

remand of the petitioner nos. 1 and 2. He submits that, fire arms were recovered from the petitioner no. 4. He refers to the seizure list in relation to petitioner no. 1 and submits that, there was recovery of stolen money from the petitioner no. 1. He contends that there are materials in the case diary against all the petitioners. He points out that, the case stands committed and that the Trial Court fixed three consecutive dates of trial commencing from June 20, 2021.

Considering the materials in the case diary, the gravity of the offence and the involvement of the petitioners therein and considering the fact that the dates for recording the evidence of the prosecution is fixed commencing from June 20, 2022, we are unable to grant bail to any of the petitioners.

In such circumstances, prayer for bail of the petitioners is rejected and the application being CRM (DB) 79 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)