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24.04.2023.
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C.R.M. (SB) No. 62 of 2023

In the matter of: an application for bail under Section 439 of the Code of Criminal Procedure filed on 27.03.2023 in connection with Kandi Police Station Case No. 43 of 2023 dated 01.02.2023 under Section 341/448/354/506/34 of the Indian Penal Code.

And

In re: Hasan Sk. & Ors. ... Petitioners

Mr. Manas Kumar Das,
Mr. Aritra Kumar Thokdar. ... for the
petitioners

Mr. S.S. Imam,
Mr. Rajesh Jana. for the State

1. Heard the learned counsel appearing on behalf of the respective parties. Perused the case diary.

2. This application for bail is canvassed only on the ground that the complainant has a habit of filing complaints against the petitioners.

3. The records indicate that there are offences under Sections 376/354/323 of the Indian Penal Code repeatedly against the petitioners and as many as four charges under Section 498A of the Indian Penal Code have been found against the present petitioners. There are about ten chargesheets against the petitioners. The petitioners are repeated offenders.

4. The bail originally granted to the petitioner, was directed to be cancelled by this Court in W.P.A. No. 20475 of 2021 by an order dated 16th February, 2023.

5. The records indicate that even in the instant case on 6th February, 2023, the learned Additional Public Prosecutor did not raise any objection to the bail prayer of the petitioners and ten charge-sheets filed against the petitioners does not appear to have been placed before this Court.

6. Counsel for the petitioners would argue that his clients in custody since 23rd February, 2023.

7. Considering the ten several chargesheets against the petitioners as also the rival submissions made by the respective parties and having regard to the nature of the offences disclosed in the FIR and the submissions of the Ld. P.P., this Court is not inclined to grant bail to the petitioners at this stage.

8. The application for bail is, therefore, rejected.

(Rajasekhar Mantha, J.)