

06.06.2023

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rejected

C.R.M.(DB) No. 1607 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Shibdaspur Police Station Case No. 162 of 2022 dated 29.10.2022 under Sections 341/326/307/302/201/120B/34 of the Indian Penal Code and Sections 25(i)(B)(a)/29/35 of the Arms Act and Sections 4/6 of the Explosive Substances Act.

And

In Re : Kazi Hasibul Hasan & Ors. petitioners

Mr. Sekhar Kumar Basu, Sr. Adv.
Dr. R. P. Motilal
Mr. Pabitra Biswas

....for the petitioners

Mr. Madhusudan Sur, learned APP
Mr. Manoranjan Mahata

.... for the State

Learned senior Counsel appearing for the petitioners submits they are in custody for more than 200 days. They were not named in the FIR. They are not the principal assailants. Hence, they may be released on bail.

Learned Counsel for the State opposes the bail prayer and submits a co-accused is absconding. Petitioners were identified in test identification parade. During investigation bombs were recovered on their leading statements.

We have considered the materials on record. Petitioners were not known to the witnesses. Hence, their names did not appear in the FIR or statements of witnesses. Upon their arrest they were put up for test identification parade and were

identified by an eye-witness. No objection on behalf of the petitioners was noted in the test identification parade sheet. On their leading statements incriminating articles i.e. firearms/arms were recovered. In view of the aforesaid incriminating materials on record and gravity of the offence we are not inclined to grant bail to the petitioners.

The application for bail is, thus, rejected.

We request the trial court to take prompt steps for consideration of charge at the earliest.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)