

19.06.2023
Sl. 31
Court No.29
Suvayan
(Rejected)

C.R.M. (DB) 2219 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in arising out of **Dankuni** P. S. Case No. **328 of 2022** dated **15.09.2022** under Sections **395/397/447/323/427/201/412/34/120B** of the IPC and Sections **25/27** of the Arms Act.

And

In the matter of: **Swet Choudhury alias Tenia**

....petitioner

Mr. Sekhar Kumar Basu, Sr. Adv.

Mr. Abhijit Ganguly

Mr. Shiladitya Banerjee

Mr. Kushal Kumar Mukherjee

...for the petitioner.

Mr. Madhusudan Sur, APP

Mr. Dipankar Paramanick

...for the State.

1. Heard the learned Counsel for both the parties.
2. The petitioner having been identified in the T.I. parade and stolen articles having been recovered from his possession, there is *prima facie* implication of the petitioner in the offence alleged.
3. Mr. Basu, learned Senior Counsel appearing for the petitioner points out to some “ifs” and “buts” so far as the identification of the petitioner is concerned.
4. We respectfully disagree with the submission on the ground that such submission may have legal force at the time of trial only.
5. In view of such facts and submission and the gravity of the offence, we are not inclined to exercise our discretion in favour of the petitioner under Section 439 Cr.P.C at this stage.
6. Accordingly, the prayer for bail of the petitioner is rejected.
6. CRM (DB) 2219 of 2023 is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

