

29.08.2023

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rejected

C.R.M.(DB) No. 3381 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Parnasree Police Station Case No. 22 of 2020 dated 18.01.2020 under Sections 395/120B of the Indian Penal Code.

And

In Re : Avinash Kumar Shaw petitioner

Mr. Sandipan Ganguly, Sr. Adv.

Mr. Avik Ghatak

Mr. Abhinav Rakshit

....for the petitioner

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

..... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than three years. It is also submitted that he has no criminal antecedents and has been falsely implicated. There is no possibility of trial concluding in the near future. He renews prayer for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner had played an active role in the dacoity. He was identified in test identification parade. Co-accused have criminal antecedents. There is possibility of abscondence and commission of similar offence if released on bail. Trial has substantially progressed and six witnesses have been examined.

3. We have considered the materials on record. Bail prayer of the petitioner and co-accused have been rejected on a number of occasions. Trial has progressed and six witnesses have already been examined. Offence involves a daring dacoity and petitioner was identified in the course of test identification parade.

4. In view of the nature of offence and involvement of the petitioner therein, we are of the opinion there is possibility of the petitioner committing similar offence in future if he is released on bail. Abscondence of the petitioner while on bail cannot also be ruled out. Accordingly, we are not inclined to grant bail to the petitioner at this stage.

5. The application for bail is, thus, rejected.

6. We request the trial court to expedite the trial and conclude the same at an early date preferably within one year from the next date fixed for recording evidence without granting any unnecessary adjournment to either of the parties.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)