

20.11.2023

Sl. 1

Court No.29

Suvayan

(Rejected)

C.R.M. (DB) 3996 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in arising out of **Beliaghata** P. S. Case No. **05 of 2022** dated **22.01.2022**, (Corresponding G.R. Case No. **174 of 2022**) under Sections **395/397/307/120B** of the IPC read with Sections **25(1B)(a)/27** of the Arms Act.

And

In the matter of: **Chandeswar Mahato**

....petitioner

Mr. Dipanjan Chatterjee

Mrs. Rafat Jahan

Mr. Mohammed Sohail

...for the petitioner.

Mr. Madhusudan Sur, APP

Mr. Arabinda Manna

...for the State.

Mr. Firoz Idulji

Mr. Sourav Chatterjee

Mr. Anirban Dutta

Ms. Madhumita Basak

...for the de facto complainant.

1. Heard the learned Counsel for both the parties.
2. It is submitted on behalf of the petitioner that considering the fact that the role of the present petitioner in the alleged crime is too much remote the instant application for bail may be considered favorably.
3. While opposing the prayer for bail Mr. Sur, learned Additional Public Prosecutor submitted before this Court that the present accused petitioner has been identified in course of investigation and his role in the alleged crime is found to be *prima facie* prominent during in course of investigation. Mr. Sur further submits that the present accused petitioner is a resident of the State of Bihar wherefrom he has been apprehended.
4. Considering the entire materials as placed before this Court, we are considered view that though identification of the present accused petitioner is belated, but such question can be decided trial on evidence by the learned Trial Court.
5. Regard being had to the seriousness of the offence and nature of

crime, 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.
7. CRM (DB) 3996 of 2023 is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)