

23.11.2023.  
28.  
Ct.No.28  
as  
(Rejected)

**C.R.M. (DB) 4278 of 2023**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Taltala P. S. Case No.96 of 2022 dated 19.07.2022 under Sections 120B/170/365/395/466/467/471/34 of the Indian Penal Code.

In the matter of : **Amiya Upaddhyay.**

... Petitioner.

Mr. Jaydeep Biswas,  
Mr. Kaushik Ghosh.

...for the Petitioner.

Mr. Narayan Prasad Agarwal,  
Mr. Pratick Bose.

...for the State.

1. Petitioner is in custody for more than 400 days. He contends there is inordinate delay in lodging First Information Report. He has been falsely implicated. Some of the accused were enlarged on bail but their bail came to be cancelled by the learned Sessions Judge. He prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He contends petitioner is a member of the police force. In collusion with other police officers and co-accused they kidnapped and committed dacoity of Rs.1.25 crores from the victim. He was identified during T. I. Parade. CCTV footage shows petitioner and co-accused were seen together in a hotel.

3. We have considered the materials on record. Petitioner and others being members of the police force had hatched a conspiracy along with other co-accused to

abduct the victim and commit dacoity to the tune of Rs.1.25 crores. Statement of the victim and materials on record including CCTV footage shows the involvement of the petitioner in the crime. He has been identified during the Test Identification Parade. Bail prayer of co-accused have been cancelled. The offence is a daring one involving police personnel. In this backdrop, possibility of trauma and fear standing in the way of the de-facto complainant approaching the police for redress cannot be ruled out.

4. In view of the gravity of offence and the materials on record, we are not inclined to grant bail to the petitioner at this stage.

5. Accordingly, the prayer for bail of the petitioner is rejected.

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**