

20.12.2023

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rejected

C.R.M.(DB) No. 4581 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhowanipore Police Station Case No. 294 of 2022 dated 12.12.2022 under Sections 120B/170/395/397/467/468/471/34 of the Indian Penal Code and Sections 25(1B)(a)/27 of the Arms Act.

And

In Re : Sk. Abdus Samad Petitioner

Ms. Sanjukta Samanta

....for the petitioner

Mr. Rudradipta Nandy, learned APP

Mr. S. S. Imam

Mr. S. Kundu

..... for the State

1. Learned Counsel for the petitioner submits that he is no way connected with the crime. He went to visit her friend and was falsely implicated. Alleged recovery of stolen article is also doubtful. He is in custody for 310 days. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner is a part of gang who had falsely impersonated as CBI officers and committed dacoity in the house of the complainant. He was seen at the hotel of Cathy Bar where the conspiracy was hatched. He has been identified by witnesses as one of the persons who was present at the time of dacoity.

3. We have considered the materials on record. Witnesses identified the petitioner during test identification parade as one

of the miscreants who had committed dacoity. He was also seen as one of the conspirators of the Cathy Bar prior to the incident. These incriminating materials improbabilise the defence version that a chance meeting with a friend which landed the petitioner in trouble. Keeping in mind the gravity of the offence and the incriminating materials on record, we are not inclined to grant bail to the petitioner at this stage.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)