

12.06.2023

Ct.No. 1
Item No. 11
Sb / Saswata
Rejected

***CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI***

C.R.M. (DB) 199 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Madarihat Police Station Case no. 30 of 2022 dated 01.02.2022 under Sections 448/449/324/326/307/302/120B/34 of the Indian Penal Code, 1860 read with Sections 25(1)(a)/27 of the Arms Act.

And

In the matter of : **Kundan Bhujel & Ors.**

...petitioners

Mr. Ranadeb Sengupta

Mr. Sudip Guha

...For the petitioner

Mr. Aditi Shankar Chacraborty

Mr. Kallol Nag

....For the State

Mr. Sourav Ganguly

... for the de facto complainant.

1. Learned Counsel for the petitioner submits that the petitioners are in custody for 400 days and no specific Act is attributable to the petitioners. It is submitted that the charges are general and omnibus in nature and there is no evidence suggesting involvement of the petitioners in the commission of the alleged crime.
2. Learned Additional Public Prosecutor for the prosecution and the learned counsel for the *de facto* complainant have opposed the prayer for bail. Learned Additional Public Prosecutor submits that the petitioners have

criminal antecedents and as many as 9 cases are pending against the petitioners out of which 5 cases are under Section 302 of the Indian Penal Code.

3. Learned counsel for the *de facto* complainant supports the prosecution and submits that in the event of the petitioners being granted bail, there is every possibility of the petitioners tampering with the evidence and intimidating the *de facto* complainant.
4. Considering the nature and gravity of the offence, the charge sheet, seizure list and criminal antecedents of the petitioners, we are not inclined to grant bail to the petitioners at this stage. However, we request the learned trial court to expedite the trial by invoking Section 309 of Cr.P.C.
5. The application for bail is accordingly **rejected**.
6. CRM (DB) 199 of 2023 is **disposed** of.

(Raja Basu Chowdhury, J.)

(Soumen Sen, J.)