

CRM (DB) 1299 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Lake Town Police Station** Case No. **236 of 2019** dated **21.12.2019** under Sections **325/307/34** of the Indian Penal Code read with Sections 25/27 of the Arms Act and Sections 3/4 of the Explosive Substances Act.

- A n d -

In the matter of : Chandan Shetty @ Minaj Shetty @ Minja Shetty & Ors.

.... Petitioners.

Mr. Sudipto Maitra,
Mr. Souvik Mitter,
Mr. A. Chakraborty,
Mr. S. S. Saha,

... For the Petitioners.

Mr. Arnab Chatterjee,
Mr. A. Ganguly,

... For the State.

Md. Sabir Ahmed,
Mr. T. Ahmed,
Mr. Dhiman Banerjee,

... for the defacto complainant.

The petitioner nos. 1 and 2 renew their prayer for bail. Their prayer was rejected by a Coordinate Bench by an order dated January 30, 2023 passed in CRM (DB) 92 of 2023. That was carried to the Hon'ble Apex Court by way of a Special Leave Petition which was dismissed by an order dated May 17, 2023.

The petitioner no. 3 has for the first time approached this court for bail.

Mr. Maitra, learned Counsel representing the petitioners says that the petitioners have been languishing in jail for four and half years. Nobody can say when the trial will conclude. Only six out of twenty nine witnesses have been examined. Five out of thirteen accused persons including the principal accused, have been

granted bail. The petitioners are entitled to be enlarged on bail on such conditions as this court may decide.

Learned Counsel for the State and the defacto complainant vehemently oppose the prayer for bail. With reference to the material in the case diary and particularly the seizure list, it is pointed out that fire arms along with live rounds of ammunition were recovered from the three petitioners. The petitioners are all from a neighbouring State. Bail should not be granted to the petitioners.

We have considered the material on record and the earlier orders of a Coordinate Bench rejecting the prayer of the petitioner nos. 1 and 2. Although learned Senior Counsel for the petitioners would argue that the accused persons who have been released on bail are similarly circumstanced as the present petitioners, we do not agree with such submission. The persons who have been granted bail do not stand on the same footing as the present petitioners. *Prima faice* involvement of the present petitioners in the alleged crime appears to be there.

It is also to be kept in mind that the petitioners hail from a different state and their chances of absconding, if released on bail, cannot be ruled out.

Accordingly, we are not inclined to grant bail to the present petitioners at this stage.

CRM (DB) 1299 of 2024 is, thus, dismissed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)