

25.11.2024
Item no. 53.
Court No.29.
AB
(Rejected)

CRM (DB) 2804 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Ausgram Police Station Case No.09 of 2024 Dated 7.1.2024 under Sections 395/397/412 of the Indian Penal Code

And

In the matter of : Avijit Bairagi & Anr.

.....Petitioners.

Mr. U. S. Chatterjeefor the Petitioners.

Mr. Joydeep Roy
Mr. Samarjit Balialfor the State.

Dictated by Arijit Banerjee, J.

1. The petitioners say that they have been falsely implicated. They have no connection with the alleged dacoity. They are in custody for almost 300 days. Investigation is complete. Their further custodial detention is not necessary.
2. They further say that the articles mentioned in the written complaint and the articles mentioned in the seizure list do not match. The petitioner no.2 was not identified in TI parade. The petitioner no.1 was identified only by one of the family members.
3. Opposing the prayer, learned State Counsel shows us that the petitioner no.1 was identified in TI parade. Recovery

of ornaments was made from both the petitioners. Charge is yet to be framed.

4. We have considered the material on record. In view of the prima facie involvement of the petitioners in the alleged offence, we are not inclined to allow the petitioners' prayer for bail, at this stage.

5. The prayer for bail is rejected.

6. CRM (DB) 2804 of 2024 is dismissed.

7. Since the petitioners are in custody for almost 300 days, we request the learned Trial Court to expedite the trial to the extent possible and conclude the same on an early date.

8. The parties shall communicate this order to the learned Trial Court.

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

(Arijit Banerjee, J.)

(Subhendu Samanta, J.)