

57.
03-12-2024
(ct. no.29)
debajyoti
(rejected)

CRM (DB) 3101 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Thanarpara Police Station Case No.203 of 2021 dated 22-11-2021 under Sections 148/149/323/302/504/34 of the Indian Penal Code and Sections 25/27 of the Arms Act and Sections 3/4 E. S. Act.

- A n d -

In the matter of : Litan Mandal @ Fenka

.... Petitioner.

Mr. Ayan Basu,
Mr. Asraf Mandal,
Mr. Sumit Routh

... For the Petitioner.

Mr. Saibal Bapuli,
Ms. Debolina Das

... For the State.

Dictated by Apurba Sinha Ray, J.

1. Learned advocate for the petitioner submits that the petitioner is standing on the same footing with the accused persons who have been granted bail. However, as the investigation is complete and other accused persons are granted bail, the petitioner may be enlarged on bail on any condition. He is in judicial custody for about 183 days.

2. Learned counsel for the State vehemently opposes the prayer for bail. According to him, the petitioner has

absconded for about three years and if he is released on bail, he may again abscond.

3. We have considered the material on record. We find that the petitioner has been named by the witnesses whose statements have been recorded under Section 164 of the Code of Criminal Procedure/183 of the BNSS, 2023. It is also found that the present petitioner absconded for three years and, therefore, if he is granted bail, he may further abscond. We also find that he is not standing on the same footing with other accused persons who have been granted bail. Accordingly, we are not inclined to allow the prayer of the petitioner for bail.

4. The application for bail is, thus, **dismissed**.

5. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

6. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)