

73.
03-12-2024
(ct. no.29)
debajyoti
(rejected)

CRM (DB) 3129 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 : Sanarul Sk & Anr.

.... Petitioners.

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

... For the Petitioners.

Mr. Madhusudan Sur, learned APP,
Ms. Trina Mitra

... For the State.

Dictated by Apurba Sinha Ray, J.

1. Learned advocate for the petitioners submits that the petitioners are 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 petitioners may be enlarged on bail on any condition. They are in judicial custody for about 183 days.

2. Learned counsel for the State vehemently opposes the prayer for bail. According to him, the petitioners have

absconded for about three years and if they are released on bail, they may again abscond.

3. We have considered the material on record. We find that the petitioners have 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 petitioners absconded for three years and, therefore, if they are granted bail, they may further abscond. We also find that the petitioners are 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 petitioners 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.)