

Chandan @ Chandu Majhi vs Unknown on 25 August, 2021

Author: Harish Tandon

Bench: Harish Tandon

25.08.2021
Court No.28
Item No.13

CRM 3585 of 2021

(Rejected) In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Pandua P.S. Case As & No.548 of 2018 dated 12.10.2018 under Sections 394/397/412 of Akd the Indian Penal Code read with Sections 25/27 of the Arms Act.

And In the matter of : Chandan @ Chandu Majhi.

...Petitioner Mr. Arunava Ganguly, Mr. Asfak Ahammed.

...For the Petitioner Mr. Swapan Banerjee, Mr. Suman De.

...For the State.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Pandua P.S. Case No.548 of 2018 dated 12.10.2018 under Sections 394/397/412 of the Indian Penal Code read with Sections 25/27 of the Arms Act.

The instant application is taken out making renewal of prayer for bail which was rejected earlier on 4th September, 2019 in C.R.M.7840 of 2019.

The case has been initiated on the bank robbery and the petitioner along with others have been apprehended in connection with the instant case. One of the co-accused was enlarged on bail solely on the ground that he was not identified in the Test Identification Parade and the money, which was recovered actually belonged to his mother who maintains an account in the same branch where the robbery was made. Furthermore, a paltry sum of Rs.780/- was recovered from the possession of the said petitioner, which did not inspire the conscience of the Judge that the said amount is a part of the looted money. The distinguishing feature as we noticed in the instant case that the petitioner was identified in the Test Identification Parade held on the next date of the commission of the offence and the money was also recovered on his leading statement made before the police.

We thus do not find any changed circumstances warranting a different decision to be taken than what had already been taken against the petitioner in an earlier application.

Accordingly, the prayer for bail of the petitioner is rejected.

However, the learned court below is requested to expedite the trial.

The application for bail, being CRM 3585 of 2021, is thus dismissed.

(Harish Tandon, J) (Bibek Chaudhuri, J.)