

01 22.09.2020
rkd Ct. No.12

**C.R.M. 3059 of 2020
(IA NO:CRAN 1 of 2020)
(Through Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Rajabagan** P.S. Case No. **39 of 2013** dated **17/03/2013** under Sections **364/120B** of the Indian Penal Code.

And

In the matter of: - Raja @ Golam Mustafa Molla @ Golam Mustafa
....petitioner.

Mr. Sandipan Ganguly, Sr. Adv.,
Mr. S. Lahiri,
Mr. S. Azam

...for the petitioner.

Mr. P. K. Datta,
Mr. N. Dhali

...for the State.

Petitioner undertakes to affirm and stamp the petition/application as per Rules within a month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

Accordingly, CRAN 1 of 2020 is disposed of.

Petitioner is in custody for three years and four months. It is submitted that he has been acquitted of the charge for possession of narcotic substance above commercial quantity.

Learned counsel appearing on behalf of the State opposes the prayer for bail and submits that petitioner had absconded for a protracted period of time and there is possibility of the petitioner to misuse his liberty in the event he is enlarged on bail.

We have considered the materials on record. We note that the petitioner had absconded for more than four years and had sought to avoid his arrest by filing successive anticipatory bail

applications. No doubt, he is in custody for a considerable period of time but we are informed that trial is at a matured stage. There are materials connecting the petitioner with the crime. Accordingly, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is, thus, rejected.

Trial court is directed to continue with the trial and conclude the same at an early date.

(Kausik Chanda, J.)

(Joymalya Bagchi, J.)