

CRM 6533 of 2020
with
IA No. CRAN 1 of 2020
(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Panskura P.S. Case No.495 of 2019 dated 08.10.2019 under Sections 302/120B of the Indian Penal Code read with Sections 25 and 27 of the Arms Act.

And

In the matter of: **Mobarak Karim Khan @ Mobarak Khan**
....Petitioner

Mr. Mrityunjoy Chatterjee
...for the Petitioner

Mr. N. Ahmed
Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta
Mr. Pratick Bose
...for the State

Mr. Sourav Chatterjee
Mr. Soumya Nag
... For the de facto complainant

The petitioner undertakes to affirm and stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The petitioner claims to be innocent and says that the petitioner has been pursued for political reasons.

The State says that though the prosecution case is based on circumstantial evidence, there are witness statements which refer to the planning of the murder of the victim by Anisur Rahaman, the principal accused, along with the present petitioner. According to the State, after the offence was committed, Anisur Rahaman and this

petitioner fled to Nepal and lay low for sometime. It was only on their return that they were apprehended.

The petitioner claims that nothing has been obtained from the petitioner except a sketch map. According to the State, the sketch map indicated the route that the victim would usually take and though the petitioner initially accepted such sketch map to bear the petitioner's signature, the petitioner later retracted such admission; but the signature on the questioned document was subsequently found by experts to be of the petitioner. The State also refers to the petitioner dodging the trial. Order no.19 dated September 14, 2020 passed by the Additional District and Sessions Judge, 3rd Court at Tamluk has been produced. It appears that advocate for the petitioner herein was present in court initially, but left court so that the trial could not be taken up.

Considering the material against the petitioner and the petitioner's conduct, he cannot be granted bail. The application for bail stands rejected.

CRM 6533 of 2020 and the interim application therein are disposed of.

(Sanjib Banerjee, J.)

(Aniruddha Roy, J.)