

25.09.2020.
Item No. SL-6
(Rejected)

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(Via Video Conference)

C.R.M. 6669 of 2020

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I.A. No. C.R.A.N. 1 of 2020

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Beliabera P.S. Case No. 69 of 2017 dated 21.09.2017 under Sections 147/148/149/323/324/325/326/307/363/427/506 of the Indian Penal Code;

And

In the matter of : **Niranjan Das @ Lambu.**

... petitioners.

Mr. Arnab Chatterjee

..For the petitioner.

Mr. Arijit Ganguly,

Mr. Sanjib Kr. Dan.

...For the State.

The Advocate-on-Record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within forty-eight hours of resumption of the normal functioning of the Court. Subject to such undertaking and urgency the application is taken up for hearing.

Accordingly, the interlocutory application being IA No. CRAN 1 of 2020 is disposed of.

The learned Advocate for the petitioner submits that he being the Sabhapati of Topsia, Anchal-III, TMC Committee has been falsely implicated in connection with the instant case. It is further submitted that because of his status and position, as such, his name has been disclosed in the First Information Report and, therefore, he should get immunity from arrest in connection with the instant case.

The learned advocate for the State strongly opposes the prayer for anticipatory bail. It is submitted that the name of the petitioner was disclosed in the First Information Report as well as the witness examined in connection with the instant case and, therefore, his direct complicity to the

commission of alleged offence cannot be ruled out. It is further submitted that the petitioner is absconding since 2017 and warrant of arrest issued against him has not been executed as yet. However, he is unable to disclose whether he has been declared as proclaimed absconder or not.

Considering the submissions advanced by the respective Counsels and the materials available from the Memo of Evidence produced before us and the fact that the petitioner has not been apprehended since 2017 and the warrant of arrest could not be executed, we do not feel that the petitioner is entitled to immunity from arrest in connection with the instant case.

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

(Hiranmay Bhattacharyya, J.)

(Harish Tandon, J.)