

18.09.2020.

Item No. 6

(Rejected)

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C.R.M. 6726 of 2020

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

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Mogra P.S. Case No. 159 of 2011 dated 29.06.2011 under Sections 302/120B/34 of the Indian Penal Code (G.R. Case No. 800 of 2011);

And

In the matter of : **Md. Moktar @ Dhanua**

... petitioner.

Mr. Sudip Ghosh Chowdhury.

...For the petitioner.

Mr. Madhusudan Sur,

Mr. Dipankar Pramanick.

...For the State.

The learned Advocate-on-Record of the petitioners 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 the petitioner is in custody for a considerable period of time and there is no scope for trial being completed very soon, as such, petitioner may be released on bail.

Mr. Madhusudan Sur, learned Advocate for the State, realize upon the Memorandum of Evidence and brings to the notice of this Court that the petitioner is having a history of antecedents wherein the police records reflects that 27 cases are pending against him. He further submits that the petitioner was earlier granted bail on two occasions and he

fled away from the due process of law, thus, contributing delay in trial.

We have perused the materials on record including the Memorandum of Evidence so placed by the learned Advocate for the State and having considered the antecedents of the petitioner and the fact that he had been absconding from the due process of law, we are not inclined to release the petitioner on bail at this stage.

Accordingly, the application for bail being CRM 6726 of 2020 is **rejected**.

(Tirthankar Ghosh, J.)

(Harish Tandon, J.)