

10-11-2020
Subrata/Rajib
item no.94

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M. No.7281 of 2020

Akash Patra & Anr.

-vs-

The State of West Bengal

In Re: Application under section 438 CrPC apprehending arrest in connection with Talpatighat Coastal P. S. Case No. 42 of 2019 dated July 11, 2019 under sections 363/302/201/120B IPC.

Mr. Imtiaz Ahmed
Mr. Mazhar Hossain Chowdhury
Mrs. Smita Saha
Mrs. Shaila Afrin
Sk. Saidullah

...for the petitioners

Mr. Saibal Bapuli
Mr. Aniket Mitra

... for the State

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 State seriously opposes the prayer on the ground that the petitioners have been on the run for nearly a year and a half and now a proclamation has been issued against either petitioner. The petitioners were not named in the complaint. There was no occasion for the petitioners to surrender, particularly since the petitioners claim to be residents of Bangalore in the usual course.

Though the State seeks to labour over several other orders where prayers of other co-accused have been rejected, it does not appear that these petitioners stand on the same footing as the other co-accused persons. There does not appear to be any independent material against the petitioners and the State seeks to rely on omnibus statements where several others have been named and the

names of the petitioners also included therein.

Considering the material against the petitioners there may not be any need to take the petitioners into custody at this stage.

In the event of arrest, the petitioners will be enlarged on bail upon furnishing security of Rs.10,000/- (Rupees ten thousand) each with two sureties, one of whom must be local, to the satisfaction of the arresting officer. The petitioners will comply with the conditions laid down in Section 438(2) of the Code.

CRM No.7281 of 2020 is disposed of.

[Arijit Banerjee, J]

[Sanjib Banerjee, J]