

21.10.2020

BR
Supplementary
List - 2

CRM 8057 of 2020

(Via Video Conference)

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Khargram Police Station Case No. 337 of 2017 dated 09.09.2017 under Sections 363/365/366/506 of the Indian Penal Code.

In the matter of : Mizanur Rahaman....petitioner

Mr. Sumanta Chakraborty
..for the petitioner.

Ms. Faria Hossain
..for the State.

The petitioner undertakes to appropriately stamp the petition as per the Rules within one month of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

On 20th October, 2020 a co-ordinate bench of this court is directed the learned advocate appearing for the State to take instruction whether notice of proclamation of attachment has been issued against the petitioner by the concerned court or not. Today on instruction learned advocate appearing for the State submits as follows :

(i)The case is ended in Charge sheet vide

Khargram PS CS No. 263/2018 Dt. 31.08.18 U/S
363/365/366/376/506 IPC.

(ii) During investigation IO of the case held raid six times against FIR named accused Mizanur Rahaman but he was still absconded from his house. IO of this case submitted Charge Sheet against accused Mizanur Rahaman as showing absconder and W/A is pending at Khargram PS. After received of W/A six times held raid against accused Mizanujr Rahaman vide Khargam PS GDE No. 1036 Dt. 22.09.2020, GDE No. 1165 Dt. 26.09.2020, GDE No 1360 Dt. 29.09.2020, GDE No 11 Dt. 01.10.2020, GDE No. 152 Dt. 03.10.2020 & GDE No 249 Dt. 05.10.2020 but he is absconded till date.

(iii) Warrant of arrest already been issued against accused Mizanur Rahaman but proclamation and attachment is not issued.

(iv) Trail of the case is not started, next date of hearing 15.02.2021 for E.R. of W/A.

(iv) If accused released on bail, he may tamper the evidence as well as so criminal intimidation to the complainant. So, I am opposed the bail application before Hon'ble Court."

He also draws the attention of this court to the statement made by the victim under Section 164 of the Cr.P.C.

Considering the above and the contents of the

letter dated 20th October, 2020 and the case diary as well as the statement made under Section 164 of the Cr.P.C. by the victim girl, in our considered view, the application for anticipatory bail should be rejected.

Accordingly, the prayer for anticipatory bail is rejected.

The letter dated 20th October, 2020 as handed up by Mr. Faria Hossain, learned advocate for the State be kept on record.

CRM 8057 of 2020 is disposed of.

(Samapti Chatterjee, J.)

(Aniruddha Roy, J.)