

02.12.2020
Sl. No.53
akd
[Rejected]

C. R. M. 9583 of 2020 [via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 19.11.2020 in connection with Jangipara Police Station Case No. 57 of 2018 dated 28.03.2018 under Sections 325/326/307/354/380/427/448/451/452/34 of the Indian Penal Code.

And

In Re: **Premnath Das**

... .. Petitioner

Mr. Sanjib Mitra .. Advocate

... .. for the petitioner

Mr. Tapas Kr. Ghosh .. Advocate

Mr. Tanmoy Chowdhury .. Advocate

... .. for the de-facto complainant

Mr. Ranabir Roy Chowdhury .. Advocate

Mr. Mainak Gupta .. Advocate

... .. for the State

It is contended on behalf of the petitioner that in the order dismissing the earlier application for anticipatory bail this Court had given liberty to him to file afresh for similar relief. Accordingly, he prays that he may be granted pre-arrest bail.

Learned advocate appearing for the State opposes the prayer for anticipatory bail and submits that the order granting anticipatory bail was passed in 2018. Thereafter, the petitioner absconded. Accordingly, warrant of arrest was issued against him. After a lapse of two years, the present application has been filed.

Learned advocate for the de-facto complainant also supports such submission.

We have perused the earlier order dated 9th October, 2018 whereby earlier application being CRM 5480 of 2018 was dismissed with liberty to the petitioner to file afresh. Petitioner did not take any steps for two years. In the meantime, warrant of arrest has been issued

against him. Allegation discloses prima facie role of the petitioner in the crime. In view of the nature of allegations and the subsequent conduct of the petitioner in absconding for two years, we are of the opinion that this is not a fit case to grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

We however, give liberty to the petitioner to appear before the court below and pray for regular bail within two weeks from date. In the event the petitioner takes steps in terms of the liberty so granted, the Court below shall consider his regular bail independently and in accordance with law without being swayed by observation made in this order.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)