

20.04.2021

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Ct-28

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Rejected

C.R.M. 749 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 530 of 2011 dated 06.10.2011 under Sections 143/323/326/307/302 of the Indian Penal Code.

And

In the matter of: **Md. Rejwanul Hoque**

...Petitioner

Mr. Mazhar Hossain Chowdhury ... For the Petitioner

Mr. Prasun Kumar Datta

Mr. Subrata Roy ... For the State

The case is in the year of 2011. The petitioner has come up in the year 2021 with an application for anticipatory bail wherein charge sheet was filed on or about 04.8.2012 by the investigating agency.

The main contention of the petitioner is the subject matter of challenge regarding his identity.

Having regard to the contention, which has been advanced by the petitioner at this stage after ten years, we are of the view that the petitioner should appear before the learned trial court and take such contention before the learned trial court.

Because of long passage of time and the petitioner is avoiding the process of law, we are not inclined to extend the privilege of anticipatory bail to the petitioner.

As such, the prayer for anticipatory bail is rejected.

CRM 749 of 2021 is thus dismissed.

We also record our anxiety that in spite of the fact some of the accused persons were absconding for a considerable period of time, in this jurisdiction, Kaliachak P.S, there is a lackadaisical approach on the part of the

investigating agency in not taking steps for issuance of proclamation or attachment against the absconders, resulting delay in commencement of the trial.

This order shall be immediately communicated to the jurisdictional S.P as well as the D.G, West Bengal by the learned Registrar General for information and appropriation action.

The further appearance of S.P, Malda and the Investigating Officer is dispensed with.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)

(Soumen Sen, J.)