

24.03.2021

Item No.96

Ct.No.28

dc.

Rejected

C.R.M. 1165 of 2021

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Gazole P.S. Case No. 66 of 2003 dated 11.04.2003 under Sections 363/366/34 of the Indian Penal Code and added Sections 372/376 of the Indian Penal Code (G.R. Case No. 521/2003).

And

In Re : **Ataur Rahaman**

... Petitioner.

Mr. Kazi Mokhlasur Rahman

... For the Petitioner.

Mr. S. G. Mukherjee, Id. P.P.,
Mr. Partha Pratim Das,
Ms. Manasi Roy

... For the State.

This is an application for bail in connection with Gazole P.S. Case No. 66 of 2003 dated 11.04.2003 under Sections 363/366/34 of the Indian Penal Code and added Sections 372/376 of the Indian Penal Code at the behest of the petitioner.

The learned advocate for the petitioner submits that the petitioner is in custody after being arrested on 09.04.2020 and as there is no scope of trial being completed in near future, he may be released on bail on any condition.

Mr. Das, learned advocate appearing for the State opposes the prayer for bail and submits that the petitioner was granted bail, but he misused the liberty and subsequently absconded and trial could not proceed because

of alternate absconding of different accused persons including the present petitioner.

We have perused the materials on record including the observations made by a co-ordinate Bench of this Court on 01.12.2020 in CRM 9526 of 2020. Having regard to the incriminating materials appearing against the present petitioner as also his post-bail conduct and misuse of his liberty, we are not inclined to grant bail to the petitioner. As such, the petitioner's prayer for bail is **rejected**.

The application for bail, being CRM 1165 of 2021, is, thus, dismissed.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)