

CRM 1650 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. **403 of 2011** dated **26.08.2011** under Sections **147/148/149/326/307/435/109** of the Indian Penal Code and Section 27 of the Arms Act.

- A n d -

In the matter of : Mojahar Sk. @ Md. Mojahar Ali

.... Petitioner.

Mr. M. H. Chowdhury,
Mr. S. Karmakar,

... For the Petitioner.

Mr. P. K. Datta, Ld. APP,
Mr. S. Deb Roy,

... For the State.

On September 8, 2021 when this matter was taken up for hearing, learned Advocate for the petitioner submitted that the petitioner is willing to surrender before the police and to cooperate with the Investigation. One week's time was sought for by the petitioner.

This court recorded the submission made on behalf of the petitioner and adjourned the matter for a week.

Today learned Advocate for the petitioner says that his only instruction is that the petitioner is bed ridden and therefore has not been able to surrender before the police or the learned Trial Court. However, he has no medical document to show that the petitioner is indeed indisposed.

We have the feeling that the petitioner is trying to misguide the Court. Had the petitioner been really serious about surrendering and cooperating, he definitely would have found a way to do so or would have placed convincing documents before

the Court to persuade the court to grant him time. But he has not done so. We do not find that the petitioner has acted in *bona fide* manner.

The prayer for anticipatory bail is rejected.

CRM No. 1650 of 2021 is, thus, dismissed.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)