

17.08.2021

Court No.28
Item No.279
(Rejected)

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CRM 2215 of 2021
(Via Video Conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Kaliachak Police Station Case No. 174 of 2016 dated 27.03.2016 under Sections 186/353/332/333/307/427/34 of the Indian Penal Code (G.R. Case No. 1180 of 2016);

And

In the matter of : **Habibur Rahaman & Ors.**
...Petitioners

Mr. Mounick Ghosh.

...For the Petitioners

Mr. Saibal Bapuli,
Mr. Arani Bhattacharyya.

...For the State.

Apprehending arrest in connection with Kaliachak Police Station Case No. 174 of 2016 under Sections 186/353/332/333/307/427/34 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail.

According to the learned Advocate for the petitioners, the case has been launched against the entire villagers on the allegation that the police escort was prevented or obstructed while discharging their official duty at the time of arrest of a person, who was an accused in a counterfeit currency case. It is submitted that some of the co-accused have been enlarged on bail by the Trial Court after their surrender and even some of them have been granted anticipatory bail by this Court.

The State opposes the prayer for anticipatory bail.

It is brought to our notice that the case was registered in the year 2016 and since then the petitioners have been managed to avoid the warrant of arrest to be executed and, therefore, the application for anticipatory bail should be rejected.

After hearing the respective submissions and upon perusal of the materials available from the record, we find that the petitioners do not stand on parity with the persons, who were enlarged on bail by the Trial Court upon having surrendered voluntarily.

We thus do not find that the petitioners can claim any benefit of Section 438 of the Code of Criminal Procedure.

The prayer for anticipatory bail is thus rejected.

The application for anticipatory bail, being CRM 2215 of 2021 is accordingly **dismissed**.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)