

02.12.2021
Court No.32
rpan / **493**

C.R.M. 2536 of 2021

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure ;

And

In re: **Nurul Huda Mallick @ Md. Nurul Huda Mallick**
- Petitioner

Md. Mansoor Alam
....for the Petitioner.

Mr. Madhusudan Sur,
Mr. Manoranjan Mahata
....for the State.

Apprehending arrest in connection with Magrahat Police Station Case No.253 of 2011 under Sections 147/148/149/323/324/325/326/307/186/353/332/333/427/302/304 of the Indian Penal Code and Sections 3/4 of the Explosive Substance Act and Section 3/4 of the PDPP Act, the present application has been preferred.

The learned advocate appearing for the petitioner submits that co-accused persons, similarly situated with the petitioner, had already been granted anticipatory bail by the learned Sessions Court and as such, on the ground of parity, he may also be granted anticipatory bail on any stringent condition.

Mr. Sur, learned Additional Public Prosecutor for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary. He submits that the persons granted anticipatory bail are not similarly situated with the petitioner as would be explicit from the statements of the witnesses as recorded. He further submits that the petitioner is

absconding for a substantial period of time and in view of such conduct he is not entitled to the privilege of anticipatory bail.

Having heard the learned advocates and considering the materials in the case diary, the gravity of the offence, the conduct of the petitioner and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour. As such, his prayer for anticipatory bail is refused.

The application for anticipatory bail, being CRM No. 2536 of 2021 is, thus, dismissed.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)