

06.07.2021.
Item No.107
(Rejected)
saswata/ab

(Via Video Conference)

C.R.M. 3149 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.04.2021 in connection with Chapra P.S. Case No. 203 of 2014 dated 22.03.2014 for committing offence punishable under Sections 302/34 of the Indian Penal Code and Sections 25/27 of the Arms Act.

And

In the matter of : **Ajij Sk. @ Bhoda @ Ajit Sk.**

... petitioner.

Mr. Ali Ahsan Alamgir
Ms. Riya Das

...For the petitioner.

Mr. N. Ahmed
Mr. Md. Anwar Hossain
Ms. Trina Mitra

...For the State.

This is an application for bail in connection with Chapra Police Station Case No. 203 of 2014 dated 22.03.2014 for committing offence punishable under Sections 302/34 of the Indian Penal Code and Sections 25/27 of the Arms Act at the behest of the petitioner.

A case has been made out at the bar that the petitioner after getting the bail in the 2014 got stuck up in the State of Kerela, where he went for his livelihood, because of the pandemic. The petitioner says that he all along complied the directions and the conditions of the bail and the reason, as stated above, was beyond his control for which he is still suffering for more than 6 months after being arrested on 16th December, 2020.

The learned Advocate for the State draws our attention to the case diary and the fact that after the petitioner was released on bail in the year 2014, he did not attend the Court after the charge-sheet is filed and was thereafter shown as absconder and warrant of arrest was issued against him on 15th October, 2019.

It is no doubt true that during the interregnum period between 2014 and 2019, the explanation offered at the bar does not appear to be tenable and/or sustainable as the pandemic started in the third week of March, 2020 and all the incidents which have been narrated by the State are pre-COVID period.

Our attention is drawn to the statement of the petitioner in paragraph 6 of the instant application, which runs counter in the statement made at the bar and since there was no supporting documents, we do not feel that the manner in which the stands have been pre-varicated in course of the hearing instill confidence in us that the petitioner would not violate the conditions of the bail, if granted.

We, thus, do not find any reasons to allow the application for bail.

The application for bail being CRM 3149 of 2021 is ***rejected.***

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)