

23.12.2021
Serial no.17

Aloke
Ct. No. 29

(Through Video Conference)

CRM 7316 of 2021

In re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 09.11.2021 in connection with Haroa Police Station Case No. 342 of 2020 dated 27.09.2020 under Sections 341/325/427/506 of the Indian Penal Code and Sections 3/4 of the Explosive Substance Act.

-And-

In the matter of : **Nazrul Islam**

... ..Petitioner

Mr. Satadru Lahiri, Advocate

Mr. Safdar Azam, Advocate

... .. For the Petitioner

Mr. Partha Pratim Das, Advocate

Ms. Manasi Roy, Advocate

... .. For the State

Mr. Kallol Mondal, Advocate

Mr. Souvik Das, Advocate

... For the de facto complainant

Petitioners seek anticipatory bail.

Learned Advocate appearing for the State submits that the petitioner was declared as proclaimed offender by an order dated November 10, 2021 and, therefore, the present application is not maintainable.

The de facto complainant is represented.

Learned Advocate appearing for the petitioner submits that the application was affirmed on November 8, 2021 and that the same was filed on November 10, 2021. Therefore, the present application is maintainable.

With the deepest of respect, we are unable to accept the contention of the petitioner. Although, the application was affirmed on November 8, 2021 till the same being filed no cognizance can be taken thereof. The application was filed only on November 10, 2021 by which time there was an order passed by the jurisdictional Court declaring the petitioner as proclaimed offender.

In such circumstances, the prayer for anticipatory bail is rejected.

CRM 7316 of 2021 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)