

16.03.2021

CRM 11135 of 2020

COURT NO. 28
ITEM NO. 22
snandy

(REJECTED)

In Re:- An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 23.12.2020 in connection with Kaliachak Police Station Case No. 799 of 2016 dated 12.11.2016 under Sections 489B/489C/120B of the Indian Penal Code (G.R. Case No. 4852 of 2016).

And

In the matter of : **Kamal Sk.**

...Petitioner

Mr. Sandipan Ganguly, Senior Advocate

Mr. Amarendra Chakraborty, Advocate

...for the Petitioner

Mr. Madhusudan Sur, Learned A.P.P.

Mr. Dipankar Pramanick, Advocate

...for the State

The petitioner has filed the instant application for bail in connection with Kaliachak Police Station Case No. 799 of 2016 under Sections 489B/489C/120B of the Indian Penal Code.

Mr. Sandipan Ganguly, learned Senior Advocate appearing for the petitioner submits that the petitioner has been falsely implicated in the instant case and other accused persons who were facing trial, their outcome has been pronounced by the learned trial Court wherein one Charu Sk. was acquitted and two other persons who have been convicted, are for offences which are bailable in nature. Additionally, the learned Advocate submits that there are no merits in the instant case which can relate the present petitioner with the alleged offence. As such the petitioner may be released on bail on any condition.

Mr. Madhusudan Sur, learned Advocate for the State submits that the petitioner has been absconding for a period of four years and presently after arrest of the petitioner, charges have already been framed against him and dates have been fixed for examination of witnesses.

We have perused the materials-on-record including the

antecedents of the present petitioner which are available in the case diary. Having regard to the period for which the petitioner has been evading the process of law, we do not think that this is an appropriate stage when the petitioner is entitled to be released on bail.

Accordingly, the prayer for bail is **rejected**.

The application being **CRM 11135 of 2020** is accordingly **dismissed**.

(Harish Tandon, J)

(Tirthankar Ghosh, J)