

74
(AD)

26.04.2022

Court No.29

(Rejected)

C.R.M. (DB) 1096 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Mogra** P.S. Case No.**159 of 2011** dated **29.06.2011** under Sections **302/120B/34** of the Indian Penal Code being ST 01(01)/2014, S Case No.220/2013.

And

In the matter of: Md. Ukil @ Kanua @ Md Wakil

....petitioner.

Mr. Sudip Ghosh Chowdhury

Mr. Abhishek Bose

...for the petitioner.

Mr. Rudradipta Nandy

... for the State.

Petitioner seeks bail.

Liberty granted to the learned Advocate-on-record for the petitioner to correct the cause-title.

Learned Advocate appearing for the petitioner submits that the petitioner was granted bail on May 15, 2013. The petitioner could not attend Court on one day and, therefore, such bail was cancelled. He submits that the period of detention of the petitioner should be considered to grant bail.

Learned Advocate appearing for the State submits that the police case was registered on June 29, 2011. The police submitted charge sheet on September 24, 2011. The petitioner was absconding. The warrant of arrest was issued against the petitioner on December 5, 2012. The petitioner was subsequently arrested. The petitioner was granted on bail on May 15, 2013. The petitioner did not comply with the

conditions of granting bail. Warrant of arrest was issued on May 6, 2017 against the petitioner. The petitioner could be arrested only on December 28, 2020 from Uttar Pradesh. There are number of police cases involving, *inter alia*, the provision of Section 302 pending as against the petitioner.

Considering the long absconsion of the petitioner and considering the fact that the petitioner misused the liberty granted to him on the previous occasion and considering the gravity of the offence and the involvement of the petitioner therein and considering the criminal antecedent of the petitioner, we are unable to enlarge the petitioner on bail.

Accordingly, the prayer for bail of the petitioner is rejected.

C.R.M. (DB) 1096 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)