

04.05.2022
Serial no.51
[Dd]
(Bail **Rejected**)

CRM (DB) 1170 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **G.R. Case no. 3123 of 2015** arising out of **Kaliachak** Police Station Case No. **483** of **2015** dated **September 3, 2015** under Sections **341 /326 /307 /302 /201 / 379/120B/34** of the Indian Penal Code and Section **27** of the Arms Act.

-And-

In the matter of : Rabiul @ Rabiul Haque @ Rebiul Haq.
... ...Petitioner

Mr. Avik Ghatak,
Mr. Salman Hasan,
Mr. Amit Ranjan Pati, Advocates
... ... For the Petitioner

Mr. Madhusudan Sur, Id. APP
Mr. Dipankar Pramanick, Advocates
... ...For the State

Petitioner renews the prayer for bail.

Learned advocate appearing for the petitioner submits that the petitioner stand in the same footing as that of the other co-accused who was enlarged on bail. The petitioner is in custody for 773 days. The petitioner is in custody of another police case in Kerala for the period between 2015-2017. Thereafter, the petitioner was arrested in the present police case in 2020. He submits that the charges are yet to be framed.

Learned advocate appearing for the State submits that one of the co-accuseds is still absconding. Warrant of arrest was issued and, therefore, charges could not be framed. The present petitioner was absconding for a period from 2017 to 2020.

There is substance in the contentions of the State that the petitioner was absconding for a considerable period of time. The police case is of 2015. The petitioner claims to be in custody in Kerela from 2015 to 2017. There is no explanation for the period 2017 till his arrest in 2020.

Considering the gravity of the offence and the involvement of the petitioner therein and considering his absconsion and considering the fact that there is hardly any change in circumstances subsequent to the earlier order of rejection, we are not inclined to grant bail to the petitioner.

Prayer for bail of the petitioner is **rejected**.

CRM (DB) 1170 of 2022 is **dismissed**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)