

06.07.2022

Serial no. 06

[Dd]

(Anticipatory bail)

(Rejected)

CRM (A) 3004 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Kaliachak** Police Station Case No. **05** of **2016** dated **03.01.2016** under Sections **147 /148 /149 /323 /325 / 326/332/333/353/186/379/427/435/436/506** **IPC** and **sections 3/4 of PDPP Act & added Sections 411/307/120(B)of** IPC read with **Sections 25/27/35** Arms Act.

-And-

In the matter of : **Jakir Sk**

... ..**Petitioner**

Mr. Joy Chakraborty, Advocate

... .. For the Petitioner

Mr. Rudradipta Nandy, Id. APP

Ms. Sonali Das, Advocates

... ...For the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner stands on a better footing if not similar footing as that of the other co-accused who was enlarged on anticipatory bail on September 21, 2021 in CRM 3454 of 2021.

Learned advocate appearing for the State relying on a report dated July 4, 2022 submits that the petitioner along with 34 other co-accuseds were declared as proclaimed offenders. Process under Sections 82/83 of the Criminal Procedure Code were completed against the petitioner and other co-accuseds who were absconding. He submits that trial is in progress. 29 prosecution witnesses were already examined. He refers to the orders

passed by the co-ordinate Bench rejecting the prayer for anticipatory bail of other co-accuseds. He submits that subsequent to order dated September 21, 2021, prayer for anticipatory bail of another co-accused was rejected.

On September 21, 2021 when the prayer of Jakir Sk. was taken up for consideration, it was not brought to the notice of the Court that process under Sections 82/83 of the Criminal Procedure Code was completed as against Jakir Sk.

In the circumstances, considering the contentions of the rival parties, prayer for anticipatory bail of Jakir Sk was considered and allowed. In the facts of the present case, the petitioner stands declared as proclaimed offender. The police case is of 2016. The trial is in progress.

Considering the gravity of the offence and in the facts of the present case as noted above, we are not inclined to grant anticipatory bail to the petitioner.

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

CRM (A) 3004 of 2022 is **dismissed**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)