

CRM No.7888 of 2021

Via video conference

06.01.22

(S.R.)

Sl.10

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Kaliachak** Police Station Case No.702 of 2009 dated 04/12/2009 under Sections 147/148/149/448/323/326/307 of the Indian Penal Code read with Sections 25(1)(a)/27 of the Arms Act and Section 9(B) of the Indian Explosive Act;

And

In re: Asraful Sk @ Asraful Khan

... petitioner.

Mr. Priyankar Ganguly

... for the petitioner.

Mr. Saibal Bapoli

Ms. Arani Bhattacharjee

...for the State.

Mr. Ganguly, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated and he is presently 61 years of age and there is no possibility that he would flee from justice. Upon completion of investigation charge sheet has been submitted and as such, custodial interrogation is not warranted. He further submits that 9 accused persons named in the FIR had already been discharged.

Ms. Bhattacharjee, learned advocate appearing for the State opposes the petitioner's prayer and submits that the petitioner had been absconding all along since the date of registration of the case in the year 2009. In view of such conduct, the petitioner is not entitled to the relief, as prayed for.

Heard the learned advocates and considered the materials in the case diary. It appears that the petitioner was named in the FIR registered in the year 2009 and he has not surrendered before the learned trial court till date. In view thereof, the possibility that he would flee from justice cannot be ruled out. Considering the nature of allegations and the extent of his complicity, we are not inclined to

exercise discretion in his favour.

The application for anticipatory bail being CRM No.7888 of 2021 is, accordingly, dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)