

CRM No.8934 of 2021

Via video conference

23.02.22

(S.R.)

Sl.239

Ct.32

Rejected

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Nandigram** Police Station Case No.122 of 2021 dated 27/03/2021 under Sections 341/323/325/307/427/379/506/34 of the Indian Penal Code and adding Section 302 of the Indian Penal Code;

And

In re: Pabitra Kar

... Petitioner.

Mr. Sourav Chatterjee

Mr. Mayukh Mukherjee

... for the petitioner.

Mr. Neguive Ahmed, APP

Ms. Amita Gaur

... for the State.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the petitioner is similarly situated with other co-accused persons, who have already been enlarged on bail. He is languishing in custody for about one hundred days and upon completion of investigation charge sheet has also been submitted and as such, further detention of the petitioner may not be necessary and he may be enlarged on bail on any stringent condition. He further submits that initially the petitioner preferred an application for anticipatory bail on 23rd June, 2021 and the same was pending before a Coordinate Bench of this Court till 10th November, 2021 and as such, it cannot be contended that the petitioner was absconding.

Mr. Ahmed, learned advocate appearing for the State opposes the petitioner's prayer and submits that the petitioner herein is differently situated. He was absconding and as such, an order of proclamation and attachment was issued against him on 14th September, 2021. In view thereof, the petitioner withdrew his application for anticipatory bail on 10th November, 2021. It is only thereafter he could be apprehended on 16th November, 2021 at Joydurganagar under Police

Station Laxmi, Dist. – Khurda, Odisha. In support of such contention, he has drawn our attention to the memo of arrest.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Records reveal that the proclamation and attachment order was issued on 14th September, 2021. Thereafter, the petitioner did not proceed with the application for anticipatory bail and the same was dismissed as not pressed on 10th November, 2021. It is only thereafter the petitioner could be arrested from the State of Odisha. Considering such conduct of the petitioner, we are not inclined to exercise any discretion in his favour. As such, his prayer for bail is refused at this stage.

The application for bail, being CRM 8934 of 2021 is, thus, 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.)