

11.11.2022
Sl. No.14
akd
[Rejected]

C. R. M. (DB) 3523 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 26.09.2022 in connection with Nabagram Police Station Case No. 154 of 2021 dated 21.06.2021 under Sections 420/406/467/468/471/472/473/120B/34 of the Indian Penal Code and subsequently charge-sheet filed under Sections 420/406/409/467/468/471/120B of the Indian Penal Code.

And

In Re: ***Ansar Ali @ Md. Ansar Ali***

... .. Petitioner

Mr. Soumyajit Das Mahapatra
Mr. Koustav Bagchi
Mr. Debayan Ghosh
Ms. Priti Kar

... .. for the petitioner

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Ms. Debjani Sahu

... .. for the State

Petitioner renews his prayer for bail. It is submitted on behalf of the petitioner that he is in custody for over 500 days.

Report is filed on behalf of the State. It appears from the report that delay in the trial is due to abscondence of co-accuseds.

We have considered the materials on record. Statements show petitioner had induced innocent youths to part with money on the false promise of giving employment as home-guards. His prayer for bail was rejected earlier on merits. Delay in the matter was due to abscondence of co-accuseds and cannot be attributed to the prosecution. In view of the aforesaid facts, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is thus **rejected**.

Trial court is directed to take all necessary steps to ensure attendance of the absconding accuseds and in the event their attendance cannot be procured inspite of exhaustion of all processes, to

declare them as proclaimed offenders and commit the case to the Court of Sessions in accordance with law.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)