

22.11.2023
SL. 10
Court No. 29
Sourav

C.R.M. (A) 4014 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Baishnabnagar** Police Station Case No. **103** of **2010** dated **31.05.2010** under Sections **147/148/149/448/326/379/427** IPC read with Sections **3/4** E.S. Act (corresponding to G.R. Case No. 1888 of 2010).

And

In the matter of: **Saju Sekh @ Saju Sk.**

....petitioner.

Mr. Kazi M. Rahman

...for the petitioner.

Mr. Binay Panda
Mr. Subham Bhakat

...for the State.

1. Heard learned Counsel for the parties.
2. From the report as submitted on behalf of the State, it reveals that proclamation of arrest under Section 82 Cr.P.C. was issued on September 6, 2023 whereas the instant case has been filed on September 5, 2023. Such being the position, we have got no hesitation to hold that the instant application for anticipatory bail is maintainable.
3. The report as filed today on behalf of the State be taken on record.
4. However, taking into consideration that the present accused petitioner is absconding for the last 13 years. We are not inclined to exercise our discretion in favour of the petitioner under Section 438 Cr.P.C.
5. Regard being had to such facts, the present application for anticipatory bail being **CRM (A) 4014 of 2023** is disposed of directing the petitioner to surrender before the competent

Court within 15 days from hence with three days advance notice to learned PP/APP attached to the said Court. On his surrender and application for bail, such application for bail shall be disposed of on merit after hearing both the parties in accordance with law on the same day. Ground of parity, if canvassed, shall be taken into consideration while disposing of the prayer for bail.

6. Accordingly, the application being **CRM (A) 4014 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

