

13.12.2023
SL. 22
Court No. 29
Aloke

C.R.M. (A) 4620 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nowda** Police Station Case No. **330** of **2022** dated 24.11.2022 under Sections **302/34/120B** of the Indian Penal Code and Sections **25/27/35** of the Arms Act and Sections **3/4** of the Explosive Substances Act (corresponding to G.R. Case No. 5186 of 2022, pending before the Learned CJM, Murshidabad.

And

In the matter of: **Selim Biswas**

....petitioner

Mr. Sabir Ahmed
Mr. S. Shah
Mr. Soumen Barman
Mr. S. Halder

...for the petitioner

Mr. Swapan Banerjee
Ms. Purnima Ghosh

... for the State

1. Heard learned Counsel for the parties.
2. The proclamation under Sections 82/83 Cr.P.C. is found to have been issued against the petitioner on 09.03.2023.
3. Learned counsel for the petitioner fairly submits that he has filed the petition for anticipatory bail before the learned Sessions Court on 13.03.2023, which is a date after the date of issuance of proclamation. Though the learned counsel for the petitioner tries to impress us on merit of the case, we are not inclined to address the same in view of non-maintainability of the present petition after issuance of proclamation under Sections 82/83 Cr.P.C. as decided by the Hon'ble Supreme Court in various cases. However, the petitioner, if so advised may surrender before the CJM, Murshidabad in G.R. Case No. 5186 of 2022 within 15 days

from the date of reopening of the Court after winter vacation with five days advance notice to the learned PP/APP attached to that Court.

4. In the event of surrender and motion for bail, the same shall be disposed of in accordance with law on merit on the same day.
5. Ground of parity if canvassed will be taken into consideration.
6. In the event of rejection of the prayer for bail, the certified copy thereof should be granted to the petitioner within 24 hours to enable him to approach the competent Sessions Court. If any application of bail is filed before the learned Sessions Judge with advance notice to the learned PP/APP attached to that Court, the same shall be disposed of within ten days.
7. With the aforesaid observations, **CRM (A) 4620 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

