

07.06.2023
Court No.01
Item No. 44
Rejected

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

sg

CRM (A) 259 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Dilhata Police Station Case No. 322 of 2018 dated 14.08.2018 under Sections 341/326/307/120B of the Indian Penal Code read with Section 25(1-A)/27/25 of the Arms Act.

And

In Re: **Abu Sahed @ Abuchhayed Miah**

Petitioner

Mr. Sudip Guha

For the Petitioner

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Aniruddha Biswas

For the State

The petitioner is absconding for five years. No justifiable reason is shown for such absconsion although we find from record that a few accused persons have been granted anticipatory bail. But the fact remains that because of the absconsion of the petitioner, the trial cannot proceed.

Under such circumstances, we allow the petitioner to surrender before jurisdictional court within a period of two weeks from date failing which, he shall be arrested forthwith.

In the event, he surrenders to the jurisdictional court within the aforesaid period, we request the learned jurisdictional Court to consider the application for bail strictly on merits and not to be influenced by any other order or by the observation made by us in this order.

CRM (A) 259 of 2023 is, thus, disposed of.

The petitioner shall not be arrested for a period of two weeks from date.

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

(Raja Basu Chowdhury, J)

(Soumen Sen, J)