

26.09.2023
Court No.1
SL No.51
pk/AP

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

CRM(A) 783 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Darjeeling Sadar** P.S. Case No. **213 of 2017** under Sections **353/120B/307/302** of the IPC read with Sections **25/25(i)A/25(iAA)/25(B)/25(2)/ 27/35** of the Arms Act read with Sections **3/4** of the ES Act.

And

In the matter of: **Kiran Moktan (Tamang) @ Kiran Tamang @ Moktan**

....Petitioner.

Mr. Jagriti Mishra,
Mr. Subham Gupta,
Mr. Reshab Kumar,
Mr. Raj Kumar Mitra

...For the Petitioner.

Mr. Aditi Shankar Chakraborty,
Mr. Tapan Bhattacharje

...For the State.

1. The petitioner has been named as an accused in the supplementary charge sheet filed in connection with FIR 213 of 2017, inter alia, under Section 302 of the IPC. The application is pressed on the ground that a co-accused has been granted regular bail after arrest.

2. Counsel for the State submits that the petitioner has been absconding and has been declared a proclaimed offender.

3. It is now well settled that a proclaimed offender cannot seek anticipatory bail.

4. In these circumstances, the application for anticipatory bail is hereby rejected.

(Rajasekhar Mantha, J.)

(Supratim Bhattacharya, J.)