

54.
Court
No.28

10.06.2024

(Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 1634 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Kaliachak Police Station Case No. 258/2014** dated **08.04.2014**.
And
In the matter of: - **Hamidul Sk. @ Hamidur Sk.**

...petitioner.

Mr. Sujoy Sarkar, Adv.,
Mr. Musharraf Alam Sk., Adv.,
Ms. Susmita Ghorai, Adv.,
Mr. Rahul Chachar, Adv.

...for the petitioner.

Ms. Sreyashi Biswas, Adv.,
Mr. Suman Saha, Adv.

...for the State.

The charge is of dacoity. The petitioner was identified in the Test Identification (T.I.) Parade. However, it appears that the petitioner was granted bail by a co-ordinate Bench by an order dated October 31, 2014, passed in CRM 13203 of 2014.

Learned Advocate for the petitioner says that by reason of non-compliance of certain conditions of bail, Warrant of Arrest was issued against the petitioner and subsequently he was arrested again. He has filed the present application for bail saying that he intentionally did not flout the conditions of bail and he will never do so in future. His case may be considered with leniency.

Learned Advocate for the State vehemently opposes the petitioner’s prayer for bail. She says that the petitioner jumped

the conditions of bail and was absconding for ten years thereafter. Hence, the petitioner cannot be trusted

We agree with learned Advocate for the State. The petitioner has misused the liberty/privilege of bail by breaching the conditions of bail that was granted in his favour by a co-ordinate Bench of this Court earlier. There is every likelihood of the petitioner again absconding if he is granted bail again. Accordingly, we are not inclined to grant bail to the petitioner.

The application being CRM (DB) 1634 of 2024 is accordingly dismissed.

However, we are told that 18 out of 24 witnesses have already been examined. June 25 and 26, 2024 are the next dates fixed for recording of evidence. We, therefore, expect the trial to be concluded at an early date.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)