

28.02.2024
Item No.51
Ct. No. 29
CHC
Rejected

C.R.M.(A) 2352 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Dholahat** Police Station Case No.**36** of **2023** dated **21.01.2023** under Sections **25(1A)** of the Arms Act.

And

In the matter of : Safi Alam Molla @ Chhapi Alam Molla
..... petitioner

Md. Mosiar Rahaman,
Mr. Samarjit Belial,
Mr. Nikhil Kr. Gupta
....for the petitioner

Mr. Joydeep Roy, Ld. Jr. Govt. Advocate
Mr. Amanul Islam
....for the State

Petition for anticipatory bail is taken up for consideration subsequent to the September 5, 2023.

Initially, the coordinate Bench granted interim protection to the petitioner and wanted the test of the bona fide of the petitioner by an order dated July 4, 2023.

In such circumstances, the coordinate Bench directed as follows:-

“3. In view of such fact, it is directed that the petitioner shall be released on interim bail by the Arresting Officer in the event of his arrest on such terms and conditions as deemed just and proper in the facts and circumstances of the case in connection with Dholahat P.S. case No. 36 of 2023 dated 21.01.2023. In the meantime the petitioner shall appear before the

I.O. and give his statements to be duly recorded by the I.O. The petitioner shall appear before the I.O. within 7 days from today by giving the I.O. prior intimation.

4. List this matter on August 10, 2023.

5. The further investigation be taken up in the meantime to establish the nexus of the petitioner if any.”

The application for anticipatory bail was taken up for consideration on August 10, 2023 when, the State submit a report.

Petitioner did not comply with the condition imposed by the order dated July 4, 2023. However, the coordinate Bench allowed the petitioner to appear before the Investigating Officer on or before August 18, 2023 positively. In that regard, the coordinate Bench passed the following directions:-

“4. In view of such fact, we direct the petitioner to appear before the I.O. on or before August 18, 2023 positively. On his failure to appear before the I.O. on or before the date fixed by us, this application for anticipatory bail shall be rejected for contravention of our order.

5. On the appearance of the petitioner, the statement recorded by the I.O. shall be videographed and the said video shall be sent to the Court.

6. List this matter on September 5, 2023.

7. Interim order is extended till the next date.”

On September 5, 2023, the coordinate Bench extended the time to comply with the order dated August 10, 2023.

Today, a report is submitted in Court which be taken on record.

Report speaks of non-compliance by the petitioner of the order passed by the Court. This is so despite the warning contained in paragraph 4 of the order dated August 10, 2023.

In view of the petitioner not complying with the order of the Court since July 4, 2023 and considering the materials in the Case Diary, we are not minded to extend the interim protection granted to the petitioner any further.

We are of the view that, the role of the petitioner in the incident requires investigation. Enlarging the petitioner on anticipatory bail will be inimical to such investigation.

Consequently, CRM(A) 2352 of 2023 is rejected.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)