

21. 02.07.2024
Court
No.28 (Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 1774 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Jalangi Police Station Case No. 1068/2012** dated **30.12.2012**.

And

In the matter of: - **Akbar Mondal**.

Mr. Jisan Iqubal Hossain, Adv.

...for the petitioner.

Ms. Zareen N. Khan, Adv.,
Ms. Pinki Sarkar, Adv.

...for the State.

The petitioner renews his prayer for bail which was rejected earlier by a co-ordinate Bench by an order dated November 23, 2023, passed in CRM (DB) 4291 of 2023.

The petitioner says that he is in custody for about one year and one month. A co-accused person, who was convicted, has preferred an appeal. Insofar as the petitioner is concerned, the trial cannot be proceeded with, since in connection with the appeal of the co-accused, the LCR is lying in the High Court. He says that he is 80 years of age. He should be enlarged on bail.

Learned Advocate for the State opposes the prayer for bail. She points out that the petitioner was absconding for eleven years. There is every chance that he may again disappear if he is enlarged on bail. He stands on the same footing as the co-accused person who has suffered conviction.

Having considered the facts and circumstances of the case and that earlier the petitioner's prayer has already been rejected once by a co-ordinate Bench and there is real possibility of the petitioner's absconsion, we are not inclined to grant bail to the petitioner, at this stage. Accordingly, the prayer for bail is rejected.

The application being CRM (DB) 1774 of 2024 is accordingly dismissed.

However, we do not see why the trial as against the petitioner cannot be proceeded with by the learned Trial Court in view of the fact that all exhibits are already on record and so are depositions of the prosecution witnesses. The petitioner will be at liberty to cross-examine such prosecution witnesses, if so advised.

This order shall be immediately communicated by the parties to the learned Trial Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)