

16.08.2024

Court No.29

Item No. 44

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CRM (A) 2833 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Islampur Police Station Case No. 278 of 2023 dated 10.07.2023 corresponding to G.R Case No. 2203 of 2023 under Sections 341/286/326/307/34 the Indian Penal Code read with Sections 25/27 of the Arms Act read with Section 9(b) of the Indian Explosive Act.

In Re: **Samiruddin Sk @ Samiruddin Mondal**

Petitioner

Ms. Minoti Gomes

For the Petitioner

Mr. Saibal Bapuli, Ld. APP

Ms. Trisha Rakshit

For the State

Mr. Nurnobi Seikh

For the De-facto Complainant

1. At the outset the learned counsel for the de-facto complainant submits that the petitioner was declared proclaimed offender. Accordingly, this application for anticipatory bail is not maintainable.
2. Learned counsel for the petitioner denies such submission. It is further submitted that the name of the petitioner has not been named by the injured victim. Accordingly, the petitioner is innocent and he is no way connected with the alleged crime.
3. Initially, the learned APP has submitted that the case diary does not mention anything about declaration of the petitioner as a proclaimed offender. However, on instruction received during the hearing of the application, submits that the petitioner has already been declared as proclaimed absconder.

4. In view of such submission of the learned APP, this application for anticipatory bail is not maintainable and the same is accordingly dismissed.
5. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Uday Kumar , J)