

11.01.2024
Item No.3
Ct. No. 29
CHC
Rejected

C.R.M.(A) 4227 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Harishchandrapur** Police Station Case No. **851** of **2021** dated **18.11.2021** under Sections **341/326/307/34** of the Indian Penal Code.

And
In the matter of : Md. Isha @ Md. Esha & ors.

..... petitioners

Mr. Tapan Datta Gupta,
Mr. Parvej Anam
....for the petitioners

Mr. Debasish Roy, Ld. P.P.
Mr. Navanil De
....for the State

Superintendent of Police is personally present pursuant to the order dated January 2, 2024.

Affidavit filed in Court be taken on record.

Petitioner no.5, namely, Sariful @ Sarikul was arrested during the pendency of the application.

In such circumstances, CRM(A) 4227 of 2023 is dismissed as infructuous so far as petitioner no.5, namely, Sariful @ Sarikul is concerned.

So far as petitioner no.1, namely, Md. Isha @ Md. Esha, petitioner no.2, namely, Rabiul Islam, petitioner no.3, namely, Rejaul Karim and petitioner no.4, namely, Khursed Ali are concerned, it appears that they renew their prayer for anticipatory bail. Their prayer for anticipatory bail was rejected

by the order dated August 30, 2022 passed in CRM(A) 4132 of 2022.

Petitioners did not disclose the rejection of their prayer for anticipatory bail in the present petition.

Process for proclamation and attachment stands completed prior to the order dated January 2, 2024 passed in the present application.

In such circumstances, the present application is dismissed so far as petitioner no.1, namely, Md. Isha @ Md. Esha, petitioner no.2, namely, Rabiul Islam, petitioner no.3, namely, Rejaul Karim and petitioner no.4, namely, Khursed Ali are concerned.

So far as petitioner no.6, namely, Jahangir is concerned, considering the gravity of the offence therein and his involvement as transpiring from the materials in the Case Diary and from the fact that police is dated November 18, 2021 giving rise to an issue of long absconsion, we are unable to confirm the order dated October 16, 2023.

CRM(A) 4227 of 2023 is rejected as against the petitioner no.6, namely, Jahangir.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)