

09.01.2024

Serial no. 200

Anticipatory bail

[Rejected]

2d

CRM (A) 4707 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Mograhat** Police Station Case No. **36** of **2023** dated **19.01.2023** under Sections **341/ 323/ 325/ 326/ 307/ 506/34** of the Indian Penal Code, 1860.
(G.R. Case No. 231 /2023)*

-And-

In the matter of : **Jakir Alam Gazi**

... ..**Petitioner**

Mr. Swapan Mallik,
Mr. Tarun Kr. Ghosh,
Ms. Suvasree Ghose,
Ms. Sudeshna Roy, Advocates
... .. For the Petitioner

Mr. Angshuman Chakraborty, Advocate
... ..For the State

Petition is taken up for consideration subsequent to order dated October 17, 2023.

By such order, interim anticipatory bail was granted by the co-ordinate Bench.

It is submitted at the Bar that the co-ordinate Bench did not consider the materials in the case diary and passed such order in view of the ensuing Puja vacation.

We perused the materials in the case diary.

Learned advocate appearing for the State draws the attention of the Court to the contents of application for anticipatory bail.

We find that, apart from the first information report, the petitioner annexed the rough sketch map of the place of occurrence along with annexures prepared by the Investigating Officer and the statements of certain persons recorded under

Section 161 of the Criminal Procedure Code along with other documents.

Police filed charge sheet.

However, provisions of Section 207 of the Criminal Procedure Code so far as the petitioner before us is concerned, is yet to be complied with since the petitioner is absconding.

Petitioner apparently is influential and is in a position to secure documents which are in the case diary.

Considering the said position of the petitioner, we are unable to confirm the interim order granted on October 17, 2023 or grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is **rejected**.

CRM (A) 4707 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)