

09.01.2024
Item No.183ML & 195ML
Ct. No. 29
CHC
Rejected

C.R.M.(A) 4819 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliachak** Police Station Case No. **704** of **2011** dated **27.12.2011** under Sections **147/ 149/ 448/ 323/ 325/ 326/ 386/ 307/ 435/436/ 354/ 379** of the Indian Penal Code and under Sections **25/27** of the Arms Act and Sections **3 and 4** of the Explosive Substances Act.

And

In the matter of : Setabur Rahaman & ors.

..... petitioners

with

C.R.M.(A) 4841 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliachak** Police Station Case No. **704** of **2011** dated **27.12.2011** under Sections **147/ 149/ 448/ 323/ 325/ 326/ 386/ 307/ 435/436/ 354/ 379** of the Indian Penal Code and under Sections **25/27** of the Arms Act and Sections **3 and 4** of the Explosive Substances Act.

And

In the matter of : Nesarul Hoque @ Mia & ors.

..... petitioners

Md. Wasim Akram

....for the petitioners

Mr. Saibal Bapuli, Ld. A.P.P.

Mr. Bibaswan Bhattacharya

....for the State in CRM(A) 4819 of 2023

Mr. Swapan Banerjee,

Mr. A. S. Chatterjee

...for the State in CRM(A) 4841 of 2023

Two applications for anticipatory bail are taken up analogously for consideration as they emanate out of same police case.

Petitions are taken up for consideration subsequent to the order dated October 17, 2023 passed by the co-ordinate Bench.

By such order, the coordinate Bench granted interim anticipatory bail to the petitioners.

It is submitted at the bar that, such order was passed without consulting the materials in the Case Diary and in view of the ensuing Puja Vacation.

We perused the materials in the Case Diary.

The police case is dated December 27, 2011.

There is an issue of long absconsion of the petitioners.

The Court is informed that, proclamation process was initiated.

In view of the long absconsion of the petitioners and in view of the gravity of the offence, we are unable to extend the interim order dated October 17, 2023 or grant anticipatory bail to the petitioners.

This application for anticipatory bail is, thus, rejected.

CRM(A) 4819 of 2023 and CRM(A) 4841 of 2023 are disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)