

13.11.2024
Sl. No. 74
SG
[Rejected]

C. R. M. (DB) 3723 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.10.2024 in connection with Md. Bazar Police Station Case No. 206 of 2017 dated 20.09.2017 under Sections 147/148/149/448/323/325/326/379/307/506/427 of the Bharatiya Nyaya Sanhita, 2023.

And

In Re: ***Nur Kalam Sk. @ Tara***

... .. Petitioner

Mr. Sujoy Sarkar,
Ms. Sneha Srivastava.

... .. for the petitioner

Mr. Rana Mukherjee,
Mr. Md. Kutubuddin.

... .. for the State

Mr. Bitasok Banerjee

... .. for the *de facto* complainant

1. Petitioner submits he had been granted anticipatory bail by the Sessions Judge but the said order was subsequently cancelled by this Court. He challenged the case before the Hon'ble Apex Court but the same was dismissed in 2022. Thereafter, he was arrested in another case and shown arrested in the present case in August 2024. He is in custody since then. There is no possibility of trial concluding in the near future. He prays for bail.
2. Learned Advocate for the State submits report and contends petitioner had been evading arrest by filing successive applications for anticipatory bail. He has criminal antecedents. In the event he is released on bail, he shall abscond.
3. Learned lawyer for the *de facto* complainant also opposes the bail prayer.

4. We have considered the materials on record. Criminal case was registered in 2017. Anticipatory bail application of the petitioner was rejected by this Court in 2018 and thereafter in 2020. Suppressing these facts he obtained anticipatory bail from the Sessions Judge which came to be cancelled by this Court in December, 2021. Special Leave Petition before the Hon'ble Apex Court was dismissed in March, 2022. Thereafter, petitioner absconded and was finally arrested in another case in 2024. He was shown arrested in the present case in August, 2024.
5. The aforesaid narration demonstrates the devious techniques adopted by the petitioner to abuse the process of law and evade arrest. Successive anticipatory bail applications were preferred before this Court in order to mask his abscondence. Even he did not stop at that. Suppressing the rejection orders he persuaded the Sessions Judge to grant anticipatory bail. After the Special Leave Petition was dismissed in March, 2022, he absconded for two years. He has criminal antecedents and there are ample materials connecting him with the alleged crime. Co-accused are absconding.
6. In view of the aforesaid incriminating materials, we are of the opinion it is not a fit case to grant bail to the petitioner at this stage.
7. The application for bail is thus rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)