

04. Court No.29 04.03.2025
(Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 377 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Baishnabnagar P.S. Case No. 38/2024 dated 11.01.2024.

And

In the matter of: - **MANIRUL HOQUE @ MASIDUR @ MANUA** ...petitioner.
Mr. Rhiddhiman Mukherjee
Mr. A. Roy ...for the petitioner.
Mr. Joydeep Biswas
Mr. Subhasis Datta ...for the State.

Dictated by Prasenjit Biswas, J.

1. It is said by the learned Advocate appearing on behalf of the petitioner that this petitioner is absolutely innocent and has been falsely entangled with the crime.
2. This petitioner has/had no nexus with the commission of the alleged offence. This petitioner is in custody since for a considerable period of time and in the meantime investigation process has been completed by submitting charge sheet by the prosecuting agency. None of the witnesses whose statement were recorded by the investigating officer has implicated the present petitioner with the alleged crime. Some of the co-accused named in the FIR have already been enlarged on bail by the learned Trial Court. No useful

purpose will be served by detaining this petitioner behind the bar for sake of custodial interrogation and as such he may enlarged on bail.

3. Learned Advocate for the State raises objection by submitting that the charge sheet of this case has been filed showing this petitioner as absconder. Subsequently, he was arrested in connection with this case. There are sufficient incriminating materials gathered by the investigating agency in the case diary which show about *prima facie* involvement of this accused petitioner with the alleged offence. If at the stage he is released on bail then there is every possibility of hampering of progress of the trial.
4. Perused the material on record. It appears that after completion of investigation charge sheet has been filed by the prosecuting agency showing this petitioner as absconder and subsequently, he was arrested and was put behind the bar. The delay in progressing the Trial is entirely attributable to this petitioner as he absconded for a pretty long time. If at the stage this accused petitioner is released on bail then there is every possibility of his fleeing away from justice. From the report submitted by the prosecution it would appear that this accused petitioner has criminal antecedent. Moreover, involvement of this accused petitioner with the alleged crime cannot be ruled out at the stage. Keeping in mind his complicity in the crime and the seriousness of the offence we are not inclined to enlarge the accused petitioner on bail.

5. The application being CRM (DB) 377 of 2024 is accordingly dismissed.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)