

43.
14-01-2025
(ct. no.29)
debajyoti
(rejected)

CRM (DB) 3312 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bongaon Police Station Case No.69 of 2023 dated 18-01-2023 under Sections 302/34 of the Indian Penal Code.

- A n d -

In the matter of : Rajib Biswas @ Denish

.... Petitioner.

Mr. Gourav Kumar Nath

... For the Petitioner.

Ms. Amita Gaur,
Mr. Mujibar Ali Naskar

... For the State.

Dictated by Apurba Sinha Ray, J.

1. The petitioner claims that as learned advocate in the trial Court did not intimate him, he was unable to appear before the learned trial Court on certain dates and subsequently, Warrant of Arrest was issued against him and before his arrest, he surrendered before the learned trial Court. However, his bail prayer was rejected and he was taken into custody. He has been languishing in the Judicial Custody since September, 2024. If the petitioner is enlarged on bail, he shall comply with the conditions as will be imposed upon him.

2. Learned advocate for the State opposes the prayer for bail. According to her, the petitioner is in the habit of being absconded. Previously, he absconded and subsequently, he was enlarged on bail. But when the examination of the prosecution witnesses was going on, he again disappeared

and remained absconded for a considerable period of time. If the petitioner is enlarged on bail, the prosecution may suffer.

3. We have considered the materials on record. We find that the petitioner did not appear before the learned trial Court when he was on interim bail. We further find from the learned trial Court order no.6 dated September 04, 2024 that the petitioner also did not keep in touch with his learned lawyer who represented him before the learned trial Court.

4. Considering the attitude and conduct of the present petitioner, we are not inclined to allow the prayer of the petitioner for bail, at this stage.

5. The application for bail is, thus, **dismissed**.

6. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

7. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)