

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE

CRM (DB) 3453 of 2024
Israil Mondal @ Israil Sk.
Vs.
The State of West Bengal

Before: The Hon'ble Justice Arijit Banerjee
&
The Hon'ble Justice Apurba Sinha Ray

For the Petitioner :	Mr. Tapodip Gupta, Adv.
For the State.	Ms. Sayanti Santra, Adv. Mr. Manaranjan Mahato, Adv.
For Orders On:	10.02.2025

Apurba Sinha Ray, J. :-

1. The learned counsel for the petitioner claims that the petitioner has been falsely implicated in this case and he has no knowledge that the instant Jalangi P. S. Case No. 227 of 2011 dated 20.03.2011 under Sections 379/411/413/414/120B/34 of I.P.C and under Section 27 (a)(b)(ii) of Drugs

and Cosmetics Act, 1940 was started against him along with others and as such he could not surrender. However, the learned counsel has also submitted that the petitioner was arrested in connection with some other cases of Jalangi Police Station but he was not made aware that he was entangled in this case and was shown as an absconder. After obtaining the bail from other cases he was also not arrested in the present case. However, after getting information, on 07.08.2024 he surrendered before the Learned Trial Court and he was taken into custody and remanded to judicial custody. Since then he has been in judicial custody. According to the learned counsel, as the petitioner was in the judicial custody in connection with other cases and as he was not made aware of the pendency of the present case, he was unable to make himself available before the Learned Trial Court. Considering his period of detention he may be enlarged on bail.

2. The learned counsel for the State opposes the prayer for bail vehemently. According to him, the present petitioner absconded for at least 14 years in connection with this case and due to his absconsion the trial of the case could not be proceeded with. There are sufficient materials in the CD, showing the involvement of the present petitioner in connection with the allegation levelled against him but as he absconded, the prosecution could not complete the trial. Several raids were conducted to apprehend the petitioner but in vain. If the petitioner is enlarged on bail he may again abscond.

3. We have considered the materials on record and CD. The petition for bail does not whisper the number of cases or particulars of the cases wherein the present petitioner was arrested. The CD discloses that on several occasions the police personnel raided the house of the accused but he could not apprehend. As the petitioner is unable to show that he was detained in the custody in connection with other cases and further, as the materials on record shows that even after 2014 the petitioner did not surrender before the Learned Trial Court resulting protraction of the trial, we are not inclined to allow the prayer for bail. It is also true that there is a chance of absconsion, if the petitioner is enlarged on bail.

4. Accordingly, the prayer for bail stands rejected.

5. Urgent photostat certified copies of this order, if applied for, be supplied to the parties on compliance of all necessary formalities.

I Agree.

(ARIJIT BANERJEE, J.)

(APURBA SINHA RAY, J.)