

158. 24.02.2025
Court
No.26 (Pritam)
(Rejected)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 3964 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Haroa** Police Station Case No.**500/2019** dated **22.12.2019** under Sections **341/325/308/506/34** of the IPC, 1860.

And

In the matter of: - **Kader Molla.**

.....petitioner.

Mr. Pronojit Roy

...for the petitioner.

Mr. N. G. Sarkar,
Mr. Samrat Chowdhury,
Mr. Devranjan Das

....for the *de-facto*.

Mr. Debasish Roy, Ld. P.P.,
Mr. Bibaswan Bhattacharya,
Mr. Mainak Gupta

....for the State.

1. Report as called for by an order dated February 17, 2025 filed in court today be taken on record.
2. Petitioner seeks bail on the principles of Article 21 of the Constitution of India.
3. Learned advocate for the petitioner submits that there is delay in progress of the trial. Out 24 prosecution witnesses, only 1 was examined in full while the examination of the other is continuing.

4. Learned Public Prosecutor submits that, the period within which the trial was directed to be completed by the earlier order of rejection is yet to expire.
5. Learned advocate appearing for the *de-facto* complainant draws the attention of the court to the fact that, the petitioners suppressed the order passed by the Hon'ble Supreme Court in Criminal Appeal No.625 of 2021. He submits that, by suppressing the earlier order of rejection of the High Court, the petitioners approached a different co-ordinate bench for an order of bail. The order granting bail order was challenged before the Hon'ble Supreme Court in Criminal Appeal No.625 of 2021 where the bail granted to the petitioner stood cancelled by the Hon'ble Supreme Court. He draws the attention of the Court to the recordings made in the order of the Hon'ble Supreme Court.
6. We find from the bail petition that the order passed by the Honb'e Supreme Court relating to the petitioner being Criminal Appeal no.625 of 2021 dated July 16, 2021 is not annexed thereto.
7. The Hon'ble Supreme Court in an application for cancellation of bail granted to the petitioner by the High Court noted that, the petitioner after being released on bail violated the bail conditions. Hon'ble Supreme Court also noted the seriousness of the offence as also the fact that the petitioner was absconding for almost 9 months.
8. Conduct of the petitioners before the court either on the previous occasions as also before us does not inspire confidence.

Petitioners violated the conditions of bail after being on bail. Order for bail was cancelled by the Hon'ble Supreme Court after noticing such conduct of the petitioner, the seriousness of the offence in which the petitioner stands involved in, and the absconsion of the petitioner for almost 9 months.

9. Before us also, the petitioners is guilty of suppression. He did not bring to the notice of the Court the order of the Hon'ble Supreme Court passed in Criminal Appeal No. 625 of 2021 dated July 16, 2021.
10. In view of such conduct of the petitioner, possibility of absconsion while on bail and the materials on record, we are not inclined to grant bail to the petitioner.
11. The prayer for bail is, thus, **rejected**.
12. CRM (DB) 3964 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)