

03.03.2025
Item No.15
Monthly List
Court No. 26
CHC
Rejected

CRM (DB) 4357 of 2024

In re : An Application for **Bail** under Section 439 of the Code of Criminal Procedure, 1973, corresponding to Section **483** of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Kashipur** Police Station Case No. **277/ 2023** dated **16.06.2023** under Sections **147/148/149/341/302/109/120B** of the Indian Penal Code and Section 9B of the Explosive Act, 1884.

-And-

In the matter of : **Sahin Kadir**

... ...**Petitioner**

Mr. Soumyajit Das Mahapatra, Advocate

Ms. Shreetama Neogi, Advocate

... ... For the Petitioner

Mr. Debasish Roy, Ld. P.P.

Mr. Arijit Ganguly, Advocate

Mr. Koushik Kundu, Advocate

... ...For the State

1. Petitioner prays for bail.
2. Learned advocate appearing for the petitioner submits that, the petitioner is in custody in excess of 230 days. He submits that, out of 31 accused persons, 28 are on bail. No overt act can be attributed as against the petitioner. He draws the attention of the Court to the statement recorded under Section 164 of the Criminal Procedure Code and submits that, there is a delay in recording such statement so far as the petitioner is concerned. According to him, no reliance could be placed on such statement. He refers to order granting bail to other coaccused. He submits that, the

incident occurred due to political rivalry and that, the petitioner was falsely implicated.

3. Learned advocate appearing for the State submits that, the petitioner does not stand on the same footing as the other coaccused who were enlarged on bail from time to time. He refers to materials on record. He contends that, as against the petitioner there are eyewitnesses accounts recorded under Section 164 of the Criminal Procedure Code which implicates the petitioner in the overt act of murder. He draws the attention of the Court that, there are at least criminal cases pending as against the petitioner. Moreover, the petitioner was absconding for a period of one year. His prayer for anticipatory bail was rejected.
4. There are 5 criminal cases as against the petitioner. Such criminal cases include *inter alia* Explosive Substance Act and the Arms Act.
5. Petitioner was absconding for a period of about 1 year from the date of rejection of his prayer for anticipatory bail.
6. Eyewitnesses version implicate the petitioner. Value of such eyewitnesses version, may be looked into and considered at the trial. As on today as the materials stand, there is an incident of murder. Petitioner was seen in the incident playing an active role. There are many criminal antecedents so far as petitioner is concerned. There is an issue of absconsion from the last order of rejection of the prayer for anticipatory bail of the petitioner.

7. In such circumstances, we are unable to grant bail to the petitioner.
8. Prayer for bail of the petitioner is **rejected**.
9. CRM(DB) 4357 of 2024 is **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)