

28.02.2025
Serial no. 19
[Dd]
(Bail **Rejected**)

CRM (DB) 4443 of 2024

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Baishnabnagar** Police Station Case No. **477** of **2020** dated **11.09.2020** under Sections **342, 302, 201, 120B, 34** of the Indian Penal Code, 1860.

-And-

In the matter of : Mojaffar Sk @ Mojaffar Hossain & Anr.
... ..Petitioners

Mr. Ayan Bhattacharjee, sr. adv.
Mr. Sagar Saha,
Ms. Nayana Mukhopadhyay, Advocates
... .. For the Petitioners

Mr. Rana Mukherjee, APP
Mr. Mainak Gupta, Advocates
... ..For the State

1. Petitioners renew the prayer for bail.
2. Learned senior advocate appearing for the petitioners draws the attention of the Court to the orders dated August 12, 2022 passed in CRR 2049 of 2022 in CRM(DB) 1412 of 2022 with CRR 2430 of 2022 as also order dated October 7, 2024 passed in CRM (DB) 2593 of 2024.
3. Learned senior advocate appearing for the petitioners submits that, the principal accused was enlarged on bail by the co-ordinate Bench on October 7, 2024. Therefore, he submits that the bail should be granted to the petitioners.
4. Learned advocate appearing for the State points out that, initially, petitioners were granted bail by the jurisdictional Court. On a Rule being issued suo motu, the High Court cancelled the bail granted to the petitioners on August 12, 2022. Petitioners were directed to surrender within seven days from such order. However, petitioners did not surrender. They could only be arrested after two years.

5. Petitioners did not comply with the order passed on August 12, 2022 and did not surrender within the timeframe fixed. In fact, the petitioners were absconding and the warrants of arrest were required to be issued for taking them into custody.
6. Period of detention of the petitioners are far less than that of the co-accused who was enlarged on bail by the co-ordinate Bench on October 7, 2024.
7. In such circumstances, we are not inclined to grant bail to the petitioners.
8. There is an issue of absconsion given the past conduct of the petitioners.
9. Prayer for bail of the petitioners is **rejected**.
10. **CRM (DB) 4443 of 2024** is **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)