

03.02.2026

Court No.35.

D/L. 8.

Kausik

(Rejected)

CRM (R) 11 of 2026

In Re: An Application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023/ Section 439 of the Code of Criminal Procedure, 1973 in connection with Mohammad Bazar Police Station Case No. 206/2017 dated 20.09.2017 under Section 147/148/149/341/448/323/325/326/379/307/506/427 of the Indian Penal Code.

And

In the matter of : Maherul Sk.

.....Petitioner.

Mr. Ranjan Kali
Ms. Mitul Chakraborty
Ms. Payel Nath

.....for the Petitioner.

Mr. Bitasok Banerjee
Ms. Debangana Bhattacharya

....for the Defacto complainant.

Mr. Antarikhya Basu
Mr. Tirupati Mukherjee

.....for the State.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 500 days and there has hardly been any progress in the case. Rest of the accused persons have been granted bail and petitioner is similarly situated as the other accused persons.

On the other hand, learned advocate for the State submits that the case is of the year 2017. Petitioner was well aware regarding the said case. On multiple occasions

application for anticipatory bail was rejected by the High Court. Suppressing such fact petitioner applied for anticipatory bail and obtained such anticipatory bail from the Learned Sessions Judge. An application for cancellation of anticipatory bail was allowed by the Division Bench of this Court. Consequently, challenging that order petitioner preferred an application before the Hon'ble Apex Court. Hon'ble Apex Court was pleased to reject the application of the present petitioner and subsequently, the petitioner was arrested.

Having considered the totality of the circumstances of the present case I am of the view that, the petitioner has been evading the process of law and as such is not entitled to be released on bail. However, the State has brought to the notice of this Court the order passed on 09.01.2026 by the Co-ordinate Bench wherefrom it reflects that other accused persons are still absconding for which the CID has been involved by the Court exercising jurisdiction under Article 226 of the Constitution of India.

Having considered the totality of the circumstances, I am of the view that this is not a fit case for granting bail at this stage.

Accordingly, CRM (R) 11 of 2026 is **dismissed**.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)