

23/02/2026
D/L – 30
Court No.28
S. Kundu

C.R.M.(A) 383 of 2026

In Re: An application for anticipatory bail under Section 482 of the BNSS, 2023. In connection with Ratua P.S case no. 135/09 dated 3/5/2009 under Sections 395/397 of the IPC thereby issuing charge-sheet being charge-sheet no. 40/10 dated 24/10/2010 under sections 395/397 of the IPC.

In the matter of: Sk. Yeasin @ Yasin @ Iyashin

...Petitioner.

Mr. Rajdeep Majumder
Mr. Pritam Roy
Ms. Arushi RATHOR
Ms. Triparna Roy

...for the petitioner.

Ms. Saryati Dutta
Mr. ASif Dewan

...for the State.

1. Learned senior counsel appearing on behalf of the petitioner submits as follows. In 2009, the present FIR was lodged against the petitioner and others in a case of snatching of a motor bike. However, a higher charge of *dacoity* was incorporated. In 2010, a charge sheet was submitted showing the petitioner as an absconder. The petitioner was not aware of all these. In 2013, the petitioner became a member of the Panchayat and his wife became the Zila Parishad member. In 2017, the petitioner was falsely implicated in a case of political murder. In 2017, interim order of bail was granted. He met the I.O as per the direction for about three years. The bail was thereafter confirmed in 2019. Thereafter

another case was filed by the same district police, which ended in an FRT. Yet, the petitioner was neither taken into custody in connection with the present case nor shown arrested during his custody in the earlier case. In 2023, a coordinate Bench of this Court granted liberty to the petitioner to surrender before the concerned jurisdictional Court and pray for bail. However, in the meantime, the petitioner's wife's pregnancy was terminated and he could not take steps. In 2024, he made another application seeking direction to surrender, the same was also disposed of. However, it is apprehended that if he surrenders before the learned jurisdictional Court, he may be taken into custody, as the matter involves a sessions triable offence.

2. Learned counsel appearing for the State opposes the prayer for anticipatory bail. He submits that this is a very old case and that the petitioner has remained absconding for a very long time. Moreover, this Hon'ble Court, had on two occasions granted him liberty to surrender. He did not object to such order, but also did not comply with the same. Now, he has come up with a prayer for anticipatory bail. This is not tenable in the eye of law.
3. It appears that the present case is of 2009 and the petitioner has technically remained an absconder for a very long time. It is another thing that in the meantime,

other cases were instituted by the police against the petitioner, but the police overlooked the pendency of the earlier case.

4. However, it also appears that on two occasions this Hon'ble Court had granted liberty to the petitioner to surrender before the concerned Court and pray for bail. This order has not been challenged by the petitioner before any Court.
5. In view of the above, the application for anticipatory bail is disposed of by granting liberty to the petitioner to surrender before the jurisdictional Court within four weeks from date and pray for bail. In such event, the prayer for bail shall be considered in accordance with law and by taking into consideration whether his custodial detention is warranted or not, as charge sheet has already been submitted.
6. The application for anticipatory bail is disposed of.
7. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)