

AD 25
March 6, 2026
Ct. 28
SG

Dismissed

CRM(A) 424 of 2026

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Dhaniakhali P.S. Case No.150 of 2012 dated 29.12.2012 under Sections 302/201 of the IPC.

And

In the matter of: *Sk. Mohammad*

... petitioner

Mr. Moyukh Mukherjee
Mr. Arunava Ganguly

... for the petitioner

Mr. Bibaswan Bhattacharya
Mr. Raju Mondal

... for the State

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. A co-accused standing on similar footing has granted anticipatory bail by this Court on 06.08.2025 in CRM (A) 1986 of 2025. Other than the statement of a co-accused, there is no other incriminating material available against the present petitioner. The petitioner did not submit to the jurisdiction of this Court in respect of the case since 2012 because he was unaware of the said proceeding. No raid was held to apprehend the petitioner.

Learned counsel for the State strongly opposes the prayer for anticipatory bail, relies on the case diary and submits that the victim's dead body was found from her house. The petitioner and some other men had visiting

terms with her. After tracing phone call records, one co-accused was taken into custody. He was the one who had stolen the phone of the victim, inserted his SIM and was using it. He confessed about the manner in which the murder took place and incriminated the present petitioner and other co-accused. Pursuant to this statement, another co-accused was arrested whose scarf was found at the place of occurrence. He also implicated the present petitioner giving details of how the murder was committed. Unlike what has been submitted on behalf of the petitioner, several raids held to apprehend the accused. Reference is made to pages 127, 158, 159, 162, 170, 220 and 229 of the case diary. It is submitted that at least on seven occasions, raids were held to apprehend the present petitioner, but the same could not be affected. A Coordinate Bench of this Court had taken into consideration the grant of anticipatory bail to a co-accused in the application for anticipatory bail of the petitioner. After taking into account the materials on record and the fact that the petitioner had remained absconding since 2012, the application for anticipatory bail of the present petitioner was rejected. The petitioner's second application for anticipatory bail was also rejected by this Court on 28.11.2025 in CRM(A) 3727 of 2025. A simple setting aside the order of proclamation by a Coordinate Bench of this Court at a subsequent stage does not change the fact that warrant of arrest had been pending against the petitioner for long. The petitioner had clearly absconded and

evaded the due process of law and could not be arrested despite as many as seven raids conducted by the police.

Considering the above, I do not think for any material change in circumstance to revisit the issue of grant of anticipatory bail.

Accordingly, the third application for anticipatory bail is dismissed.

Personal appearance of the investigating officer is noted and is dispensed with.

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

(Jay Sengupta, J.)