

AD 15
April 7, 2026
Ct. 28
SG

Reject

CRM(A) 1015 of 2026

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bagnan P.S. Case No.286 of 2017 dated 27.05.2017 under Sections 399/402 of the IPC and 25(1)a/27 of the Arms Act and 9(b) of the I.E. Act.

And
In the matter of: Sobedar Middey

... petitioner

Mr. Sarwar Jahan
Mr. M.I. Kayal
Mr. N.U.A. Sardar
Mr. Archisman Singh

... for the petitioner

Mr. Sandip Chakraborty
Mr. Aritra Bhattacharya

... for the State

Report filed by the State is taken on record.

Learned counsel for the petitioner submits that by an order dated 21.03.2022 passed by a Division Bench of this Court in CRM(A) 1308 of 2022, the application for anticipatory bail of the petitioner No.2 i.e., the petitioner herein (Sobedar Middey) was rejected on the ground that there was a proclamation of warrant of arrest and attachment being issued in respect of him. What it meant was that a proclamation had been issued against the petitioner. The application for anticipatory bail was rejected. First, issuance of proclamation is not an absolute bar to the grant of anticipatory bail. Secondly, on facts, as on that date there was no order of proclamation or attachment issued against the said petitioner. This must have been erroneously submitted on behalf of the State. Therefore, this is a good ground for filing the present

application for anticipatory bail on merits. There is no other material available against the petitioner except for the statement of a co-accused.

Learned counsel for the State strongly opposes the prayer for anticipatory bail and submits that as on the date on which the anticipatory bail of the petitioner was rejected i.e., on 21.03.2022, he had been absconding for five years. Four more years have passed. It is a fact that proclamation and attachment had not been issued against the petitioner as on that date. However, he had remained absconding for long. This is a case where upon source information, the police laid a trap and apprehended some accused with arms. Seven or eight persons managed to flee from the place of occurrence. The petitioner is one of them. Had he been arrested, he could have been identified. The petitioner could not take advantage of the fact that he had been able to flee from the place of occurrence. Arms were seized from the place of occurrence.

Considering the above, the other incriminating materials available in the case diary and the fact that there is 78long abscondance of the petitioner, I do not consider this to be a fit case for granting anticipatory bail.

The application for anticipatory bail is, thus, rejected.

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

(Jay Sengupta, J.)

