

10.04.2026
Court No.28
Item No.8
tbsr
Reject

CRM (A) 1059 of 2026

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973/Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Basirhat** P.S. Case No.**855** dated **16.06.2013** under Sections **302/201/34** of the Indian Penal Code.

And

In the matter of: Sourav Mondal @ Paltu Mondal

....Petitioner.

Mr. Jyotirmoy talukdar

...for the petitioner

Mr. Anand Keshari

Ms. Trisha Rakshit

... for the State

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is absolutely innocent. He has been falsely implicated in this case. The particular Police Station has been continuously falsely implicating him in several criminal cases. In 2015 there was an NDPS Act case started against him. He got an acquittal in 2016. Within a month, he was again implicated in another NDPS Act. He was again acquitted in that case. After that he was falsely implicated in several other cases. The petitioner was not named in the instant FIR. The present case was registered on 16.06.2013. The petitioner was not aware of it. The petitioner was apparently named in the charge sheet submitted in the year 2014. But, in spite of his custody in respect of other cases, he was never shown arrested or arrested in connection with the instant case.

Learned counsel appearing on behalf of the State strongly opposes the prayer for anticipatory bail. He submits that the petitioner has remained absconding since 2013 in respect of the present case. It may have to be looked into as to why the Investigating

Officer of the case did not try to find his criminal antecedents and show him arrested in connection with the present case when he was in custody in respect of another case. So far as the implication in the present case is concerned according to the statement of an independent eye-witness present at page 7 of the case diary, the petitioner and another co-accused abducted the victim in a motor bike. Soon thereafter, his dead body was recovered. He also relies on the post mortem report and the statements of other witnesses. Learned counsel also submits that the petitioner has been implicated in several cases including two other murder cases.

Considering the above, the incriminating materials available in the case diary and the criminal antecedent 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 copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)