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19-05-2021

Court 28

**C.R.M. 613 of 2021
(Via Video Conference)**

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Bagnan Police Station Case No. 483 of 2017 dated 07.09.2017 under sections 7/8/13(2) of the Prevention of Corruption Act.

Arup Ghosh
Versus
State of West Bengal

Ms. Farah Anjum, Adv.

...for the petitioner.

Mr. N. Ahmed, Adv.

Mr. Pradipta Ganguly, Adv.

...for the State.

This is an application for anticipatory bail. The petitioner is an Assistant Sub-Inspector attached to Bagnan Police Station. The allegation against the petitioner was that, while on duty, he was collecting money from the vehicles plying on NH-6 near Daulti Bridge and Nabasan Math by threatening the drivers of the vehicles that false case would be charged against them if they do not pay money. The complaint has been lodged with the Superintendent of Police, Howrah on 16th February, 2016.

The learned Counsel for the petitioner submits that he has complied with the notice under Section 41A of the Code of Criminal Procedure and he is also participating in the disciplinary proceeding initiated by the Vigilance Department. The learned Counsel has also referred to the order dated 12th September, 2019 passed by the learned Sessions Judge, Howrah rejecting the application for anticipatory bail. The learned Sessions Judge, on perusal of the FIR and the materials made available along with the case diary produced before the learned Sessions Judge, was of the view that on the basis of the materials available in the case diary, the prayer for anticipatory bail cannot be allowed.

It is surprising that after almost five years, no attempt has been made by the superior authorities in seeking custodial interrogation of the petitioner as the

charges levelled against the petitioner is grave and serious in nature.

On the basis of the materials made available in the petition and after hearing the learned Counsel for the parties as well as taking into consideration the earlier order of rejection passed by the learned Sessions Judge, we are of the opinion that the petitioner is not entitled to the relief as claimed in this petition and custodial interrogation of the petitioner is required.

Accordingly, the prayer for anticipatory bail is, thus, rejected.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Soumen Sen, J.)