

01.10.2021
Court No.01
Item No. 06
Rejected
Krishnendu

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

C.R.M. 352 of 2021

With

C.R.A.N. 1 of 2021

(Via Video Conference)

In Re:- An application for anticipatory bail under section 438 of the
Code of Criminal Procedure ;

And

In Re : **Ashutosh Kumar Sah @ Ashu Gupta @ Ashu**

Petitioner

Mr. Hillol Saha Podder

Ms. Arpita Saha

For the Petitioner

Mr. Biswarup Roy

For the State

Apprehending arrest in connection with Bhaktinagar Police
Station Case No. 855 of 2018 dated 26.11.2018 under sections 3/5/6/7
of Immoral Traffic (Prevention) Act, 1956, the petitioner has filed the
present application.

Mr. Saha Podder, learned advocate appearing for the petitioner,
at the inception, submits that the present application is the second
application for anticipatory bail. The first application was dismissed on

7th February, 2019 observing that the petitioner was the owner of the premises. However, from the orders passed by the learned Court below, subsequent thereto, it transpired that the petitioner is not the owner of the shop and, as such, there had been a change in the circumstances and the present application is maintainable. He further submits that upon completion of investigation, charge sheet has also been submitted and as such custodial interrogation of the petitioner is not necessary.

Mr. Roy, learned advocate appearing for the State opposes the petitioner's prayer and submits that there had been no change in the circumstances. The certificate of enlistment pertaining to the concerned saloon and spa stands in the name of the petitioner and he is a tenant of the concerned premises. There are incriminating materials on record as regards the petitioner's direct involvement in the alleged offence.

Having heard the learned advocates appearing for the respective parties and considering the materials on record, we are of the opinion that there had been no change in the circumstances due to subsequent events after the petitioner's prayer of anticipatory bail was

last rejected on 7th February, 2019. Furthermore, considering the gravity of the offence and the extent of complicity of the petitioner, we are not inclined to exercise any discretion in his favour. Accordingly, the prayer for anticipatory bail is refused.

The application for anticipatory bail, being C.R.M. No. 352 of 2021 and the connected application, being C.R.A.N. 1 of 2021, are dismissed.

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

(Abhijit Gangopadhyay, J)

(Tapabrata Chakraborty, J)