

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

27.09.2021

Court No.01
rpan / **35**

C.R.M. 560 of 2021

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

and

In Re : **Tahir Hussain @ Md. Tahir Hussain**
@ Md. Taher Hussain

- Petitioner.

Mr. Arijit Ghosh

... for the petitioner.

Mr. Arun Kumar Sarkar,

Mr. Biswarup Roy

... for the State.

Apprehending arrest in connection with Pradhan Nagar Police Station Case No.89 of 2020 dated 19.02.2020 under Section 409 of the Indian Penal Code, 1860, the petitioner has preferred the present application.

The learned advocate appearing for the petitioner submits that the petitioner is a lower division clerk in the concerned municipality. He has been falsely implicated on the basis of a complaint lodged about one year after the alleged incident. The petitioner had no access to the M.R. Book and the receipts were issued by the cashier. Upon completion of investigation, charge-sheet has also been submitted and in view thereof, custodial interrogation of the petitioner is not necessary.

The Learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary.

It appears that the petitioner approached this Court earlier and his prayer for anticipatory bail was turned down by a coordinate Bench of this Court on 31st July, 2020 in CRM 4910 of 2020. There had been no substantial change in the facts and circumstances of the case subsequent to rejection of the petitioner's prayer. The petitioner is the sole accused and charge-sheet has been submitted against him. Filing of such charge-sheet does not amount to change of circumstance. In the said conspectus, we are not inclined to exercise any discretion in his favour. Accordingly, his prayer for anticipatory bail is refused.

The application for anticipatory bail, being CRM 560 of 2021, is, thus, 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.)