

27.01.2022
Sl. 75
Court No.29
suvayan
(rejected)

CRM (A) 359 of 2022
(Via Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Egra** P.S. Case No. **50 of 2017** dated **03/02/2017** under Sections **406/409/420/120B** of the Indian Penal Code.

And

In the matter of: Subhasish Das

....petitioner.

Mr. Bikash Ranjan Bhattacharyya

... for the petitioner.

Mr. Rudradipta Nandy

...for the State.

Petitioner seeks anticipatory bail.

Learned Senior Advocate appearing for the petitioner submits that the earlier order of rejection was premised upon misrepresentation of facts. He submits that the police filed charge-sheet prior to the earlier order of rejection dated January 6, 2022. The petitioner is a mere co-signatory of the concerned bank account. The petitioner was not named in First Information Report. There are no materials as against the petitioner in the charge-sheet submitted.

Learned advocate appearing for the State draws the attention of the Court to the contents in the earlier order dated January 6, 2022. He submits that the police filed charge-sheet and that the petitioner is named as one of the accused in such charge-sheet.

This is the second application for anticipatory bail by the petitioner. The earlier application being CRM 6788 of 2021 was rejected by an order dated January 6, 2022. The earlier order of rejection was premised upon fact that amount was

misappropriated from an account in which the petitioner was the joint account holder. It also records that raids to arrest the petitioner were in vein. The co-ordinate Bench proceeded on the basis of the seriousness of the offence, the conduct of the petitioner and the extent of his complicity in the alleged offence in denying the prayer for anticipatory bail.

The order dated January 6, 2022, however, does not allude to the filing of the charge-sheet by the police.

As noted above, charge-sheet was filed prior to the order of rejection dated January 6, 2022 on November 24, 2021.

Although, the filing of the charge-sheet is not alluded in the order of rejection dated January 6, 2022, it cannot be said with certainty that such fact was not considered by the Court while rejecting the prayer for granting anticipatory bail. The filing of the charge-sheet is not subsequent to the order of rejection dated January 6, 2022. Therefore, there is no material change in circumstances subsequent to the order dated January 6, 2022. The gravity of the offence and the complicity of the petitioner continues to remain the same as noted in the earlier order of rejection dated January 6, 2022.

The application for anticipatory bail, being CRM (A) 359 of 2022, is rejected.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)