

10.02.2022
05
Ct. No 29
KAUSHIK
(REJECTED)

C.R.M. (A) 516 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Ranaghat** Police Station Case No. **299** of **2021** dated **05.09.2021** under Sections 304/34 of the Indian Penal Code, 1860.

And

In Re : Bankim Das

..... petitioner

Mr. Shibaji Kumar Das

Mr. Soumyajit Das Mahapatra

.... for the petitioner

Mr. Prasun Kumar Dutta

Mr. Subrata Roy

... for the State

Petitioner renews the prayer for anticipatory bail.

Learned advocate appearing for the petitioner submits that, although the prayer for anticipatory bail was rejected on November 25, 2021, the police subsequently filed charge-sheet and, therefore, detention of the petitioner is not required. He submits that, the other two co-accused who are the principal accused, were granted anticipatory bail.

Learned advocate appearing for the State draws the attention of the Court to the contents in the case diary.

There is a categorical finding in the Coordinate Bench while rejecting the prayer for anticipatory bail of the petitioner that specific act was attributed to the petitioner. It is only on such ground that the prayer for anticipatory bail was rejected. The subsequent filing of the charge-sheet, *per se*, does not alter the material position in the sense that filing of the charge-sheet by itself is not a ground for grant of anticipatory bail. The Court

is required to take into consideration the gravity of the offence and the involvement of the petitioner amongst others while considering the prayer for anticipatory bail. Since, there subsist a finding to such effect by the Coordinate Bench passed on November 29, 2021, we deem it appropriate not to revisit such finding.

In such circumstances, we are unable to grant anticipatory bail to the petitioner.

Accordingly, prayer for anticipatory bail of the petitioner is rejected and the application being CRM (A) 516 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)