

24.03.2022

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Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M. (DB) 498 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Habra** Police Station Case No. **105** of **2020** dated 05.03.2020 under Sections 365/363/376 of the Indian Penal Code, 1860 and Sections 3 and 6 of the Protection of Children from Sexual Offences Act.

And

In Re : Sandip Roy @ Chotu

..... petitioner

Mr. Ashok Kumar Bhattacharya

Mr. A. Bhattacharya

....for the petitioner

Ms. Z. N. Khan

Md. Kutub

....for the State

Petitioner renews the prayer for bail.

Attention is drawn to the fact that the petitioner approached this Court with a prayer for bail in CRM 10823 of 2020, which was rejected on February 2, 2021.

The first paragraph of the petition states that no prior application for bail was filed before this Hon'ble Court.

There is an alarming situation to mislead the Hon'ble Court while trying to securing an order for bail. The accused attempts to do so by suppressing the material fact that there was an earlier application for bail, which was rejected.

Learned advocate appearing for the petitioner submits that, he was not instructed about the same.

Such conduct of the petitioner aggravate the situation. The petitioner deliberately mislead the learned advocate also.

Petitioner approached this Hon'ble Court for bail by CRM 10823 of 2020, which was rejected on February 2, 2021. Such vital fact deliberately suppressed to both the Hon'ble Court and also to the learned advocate, it would be appropriate to direct custodial trial of the petitioner.

In such circumstances, prayer for bail of the petitioner is rejected and the application being CRM (DB) 498 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)