

09.03.2022
Sl. 44
Court No.29
sourav
(Rejected)

C.R.M. (DB) 657 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **03.03.2022** in connection with **Santipur** P.S. Case No. **784** of **2021** dated **05.10.2021** under Sections **395/412** of the Indian Penal Code.

And

In the matter of: **Nemai Das**

....petitioner.

Mr. Shashanka Shekhar Saha

...for the petitioner.

Mr. Saswata Gopal Mukherji

Ms. Faria Hossain

Mr. Anand Keshari

...for the State.

Petitioner seeks bail.

Learned advocate appearing for the State draws the attention of the Court to the averment in the first paragraph of the petition and to the fact that the petitioner approached this Court in **CRM (DB) 94 of 2022** for bail which was rejected on January 31, 2022. The petitioner suppressed such material fact in the application.

There is substance in the contentions of the State. In the first paragraph, the petitioner averred that the petitioner never approached for bail before this Hon'ble Court on any earlier occasion. However, records depict that the petitioner approached this Court in **CRM (DB) 94 of 2022** which was rejected on January 31, 2022.

Such conduct of the petitioner in trying to mislead this Court and secure an order for bail by suppressing material fact should be visited consequences.

It would be appropriate to direct custodial trail of the petitioner.

Considering the fact that there is hardly any material

change in circumstances subsequent to the earlier order of rejection, we are unable to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

C.R.M. (DB) 657 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

