

**16.03.2022**  
Sl. 56  
Court No.29  
sourav  
(Rejected)

**C.R.M. (DB) 734 of 2022**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **10.03.2022** in connection with **Madhyamgram** P.S. Case No. **218** of **2019** dated **27.05.2019** under Section **363/365** and adding section **370/370A/372/373/376** of the Indian Penal Code read with Section **6/17** of the **POCSO** Act, 2012.

And

In the matter of: **Maili Tamang @ Vibha Srivastava.**

....petitioner.

Mr. Tarique Quasimuddin

Mrs. Zainab Tahur

Ms. Meena Shabnam

...for the petitioner.

Mr. Nequive Ahmed, Ld. A.P.P.

Ms. Ayantika Roy

...for the State.

It is submitted by the learned Additional Public Prosecutor that although the averment in the petition is that this is the first application for bail, in fact, the petitioner applied for bail by way of CRM 2671 of 2020 which was rejected on March 16, 2020.

In the first paragraph of the petition, the petitioner states that the petitioner never filed and/or moved any bail application in connection with the instant police case and that the present application is the first application before this Hon'ble Court. The averment ex facie is false and falls to be knowledge of the petitioner. The petitioner moved an application for bail by way of CRM 2671 of 2020 which was rejected on March 16, 2020.

The petitioner is, therefore, guilty of suppression of material facts. The petitioner is seeking to obtain orders from this Hon'ble Court of bail by suppressing material facts of earlier order of rejection.

In such circumstances, the petitioner needs be visited with the consequences.

Considering the fact that there is hardly any material

change in circumstances subsequent from the earlier order of rejection dated March 16, 2020, we are unable to grant bail to the petitioner. In view of the conduct of the petitioner as noted above in this petition, it would be appropriate to direct custodial trial of the petitioner.

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

**C.R.M. (DB) 734 of 2022** is dismissed.

**(Debangsu Basak, J.)**

**(Bibhas Ranjan De, J.)**

