

04.02.2022
01
Ct. No 29
KAUSHIK
(REJECTED)

C.R.M. 5162 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Purulia Women** Police Station Case No. **12** of **2020** dated **25.12.2020** under Section 10 of the Protection of Children from Sexual Offences Act.

And

In Re : Saumili Das

..... petitioner

Mr. Sabir Ahmed
Mr. Mujibar Ali Nashkar
Mr. A Saha

.... for the petitioner

Mr. Goutam Wilson

... for the State

Report called for by the order dated January 25, 2022 filed in Court be taken on record.

It appears from such report that, sanction to prosecute the petitioner was obtained on July 14, 2021 and that a supplementary charge-sheet was submitted on August 13, 2021.

The order dated September 29, 2021 in CRM 2582 of 2021 was passed on the erroneous material fact that no sanction was granted by the State to prosecute the petitioner.

Since the materials in the case diary establishes that there exist a prior sanction of the State dated July 14, 2021 to prosecute the petitioner, it cannot be said that the petitioner stands on the same or better footing than the co-accused granted anticipatory bail by the order dated September 29, 2021 in CRM 2582 of 2021.

It is contended on behalf of the petitioner that he was falsely implicated. The petitioner was entangled in view of the letters that the petitioner written to the authority prior in point of time.

Considering the gravity of the offence and the involvement of the petitioner therein as it transpires from the contents in the case diary, 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 5162 of 2021 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)