

CRM No.7874 of 2021

Via video conference

06.01.22

(S.R.)

Sl.07

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Khanakul** Police Station Case No.166 of 2019 dated 25/06/2019 under Sections 341/342/376/506 of the Indian Penal code and after filing charge sheet No.341 of 2021 dated 08/10/2021 under Sections 342/376(2)(n)/506 of the Indian Penal Code;

And

In re: Asim Pramanik @ Ashim Pramanick ... petitioner.

Mr. Abhinaba Dan

... for the petitioner.

Mr. N. Ahmed

Ms. Sujata Das

...for the State.

Mr. Dan, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. Upon completion of investigation charge sheet has already been submitted and as such, custodial interrogation is not warranted.

Ms. Das, learned advocate appearing for the State opposes the petitioner's prayer and submits that the petitioner's prayer for anticipatory bail was rejected earlier on 2nd December, 2019 and there had been no change in circumstances thereafter and as such, the present application is not maintainable. She further submits that the petitioner is absconding till date.

In reply, Mr. Dan submits that upon completion of investigation charge sheet has been submitted and such development constitutes a change in circumstances.

Heard the learned advocates and considered the materials on record.

The filing of a charge sheet does not lessen the allegations made by the prosecution and such submission of charge sheet cannot be construed as a substantial change of circumstances. Considering the

nature of allegations, the conduct of the petitioner and the extent of his complicity in the alleged offence, we are not inclined to exercise any discretion in his favour.

The application for anticipatory bail being CRM No.7874 of 2021 is, accordingly, dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)