

19.09.2022

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Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 4469 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Gariahat** Police Station Case No. **168** of **2022** dated **22.08.2022** under Sections 420/120B of the Indian Penal Code read with Sections 3/ 4 of the West Bengal Gambling and Prize Competitions Act and Section 7(3) of the Lotteries (Regulation) Act.

And

In Re : Sanjay Kumar Shaw

..... petitioner

Ms. Anasuya Sinha

Mr. Joydeep Biswas

Mr. Kaushik Chosh

....for the petitioner

Mr. Rudradipta Nandy

Mr. Subroto Roy

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, two other co-accused were granted bail by the Jurisdictional Court. The petitioner is not named in the First Information Report. None of the ingredients under Section 420 of the Indian Penal Code stands satisfied. The petitioner was engaged in online gaming.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement recorded under Section 161 of the Code

of Criminal Procedure (Cr.P.C.) and a notification dated May 21, 2013 issued under the provisions of the Lotteries (Regulation) Act, 1998.

Apparently, the petitioner was engaged in an activity, which violates the provisions of the Lotteries (Regulation) Act, 1998 amongst others.

There are materials in the case diary implicating the petitioner.

In such circumstances, 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 (A) 4469 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)