

28.03.2023

Serial no.11

[Dd]

CRM (A) 1180 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Dantan** Police Station Case No. **336** of **2019** dated **27.09.2019** under Sections **363/365** of the IPC added Sections **376/120B/115/34** of IPC and Section **4** of POCSO Act, 2012.

-And-

In the matter of : Susanta Bag

... ..**Petitioner**

Mr. Purnasis Bhuniya, Advocate

... .. *For the Petitioner*

Ms. Faria Hossain,

Mr. Partha Pratim Das,

Ms. Baisali Basu,

Ms. Eshita Dutta, Advocates

... ..*For the State*

There is some justification in the contention of the State that, second application for anticipatory bail is not maintainable in view of the fact that, the first application for anticipatory should contain the requisite details with regard to the relevant provisions of the Indian Penal Code, 1860 and POCSO Act, 2012 under which the charge sheet was submitted.

Apparently, the petitioner failed to specify all the sections under the Indian Penal Code, 1860 under which the police proceeded against the petitioner as also the relevant sections of the POCSO Act, 1912 in the original application for anticipatory bail.

The Court is informed that the petitioner applied for modification of the earlier order. The Court is also informed that such modification application was allowed to be withdrawn.

Apparently, in the modification application the petitioner did not seek incorporation of the entirety of the sections of the Indian Penal Code, 1860 as also the Act of 2012 in the original application.

In such circumstances, the present application of anticipatory bail is allowed to be withdrawn by the petitioner. Petitioner is at liberty to take appropriate steps.

CRM (A) 1180 of 2023 is dismissed as withdrawn.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)