

29.03.2023

Serial no. 11

[Dd]

(Anticipatory bail)

(Rejected)

CRM (A) 1207 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Sabang** Police Station Case No. **312** of **2022** dated **30.08.2022** under Sections **498A/304B/506/34** of the IPC.

-And-

In the matter of : **Tapan Kar & Ors.**

... ..**Petitioners**

Mr. Bhaskar Hutait, Advocate

... .. For the Petitioners

Mr. Saswata Gopal Mukherji, Id. PP

Mr. Partha Pratim Das,

Ms. Eshita Dutta, Advocates

... ..For the State

Petitioners renew the prayer for anticipatory bail.

Prayer is renewed on the basis of the charge sheet submitted by the police. Attention of the Court is drawn to the contents of the charge sheet and it is submitted that, the charge sheet speaks of a death of strangulation while, the postmortem report states that death was by drowning.

Learned advocate appearing for the State submits that there was an error in the charge sheet submitted. The error was detected and an application for rectification filed before the jurisdictional Court. He draws the attention of the Court to a previous charge sheet submitted by the same Investigating Officer in respect of a different police case. He submits that the Investigating Officer, due to mistake, copy-pasted the portion of the earlier charge sheet in respect of a different police case in the present police case. He submits that the Superintendent of Police is taking appropriate measures in

respect of the person involved in the commission of such mistake.

The charge sheet in respect of other police case is placed before Court and on perusal thereof, we find that, there are substance in the contention made on behalf of the State. Apparently, the charge sheet in the police case contains an error for which, an application for rectification is pending.

Death of a person is involved. The death was by drowning. Police submitted a charge sheet which is under rectification.

Therefore, we do not find that there is any material change in circumstances on the basis of filing of the charge sheet as sought to be contented on behalf of the petitioners.

We are, therefore, unable to grant anticipatory bail to the petitioners.

Prayer for anticipatory bail of the petitioners is **rejected**.

CRM (A) 1207 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)