

27. 06.2023
Sl. 191
Court No.29
sdas
(Rejected)

C.R.M. (A) 2157 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure arising out of Shyampukur P. S. Case No. 39 of 2023 dated 23.04.2023 under Sections 376/417/420/406/506/120B of the Indian Penal Code.

And

In the matter of: **Abhishek Roy**petitioner

Ms. Priyanka Bhowmick
...for the petitioner.

Mr. Rudradipta Nandy, learned APP
Mr. Subrato Roy
...for the State

Mr. Rajnil Mukherjee
Ms. Debolina Sarkar
.... for de facto complainant

1. Heard the learned Counsel for the parties.
2. The petitioner is alleged to have exploited his position as a bench clerk in the court of Metropolitan Magistrate, Kolkata. He is alleged to have developed relationship at least with three women as found so far during investigation including the present victim, who is a junior Advocate. His first victim is alleged to be his own sister on the written complaint of whom a case is already pending. The petitioner is alleged to have taken Rs.90,000/- from the victim which is supported by the documents of money transaction in the case diary. Still we would have taken to consideration the prayer of the petitioner on merit but it is submitted by the learned Counsel for the State that the petitioner has not complied with the order dated 01.06.2023 passed by the Vacation Bench in CRM (A) 2157 of 2023 and has not appeared before the investigating

officer in obedience of the direction therein. Such conduct of the petitioner shows that he is above law. He being a bench clerk of the lower court has no regard even for the order passed by the highest Court of the State. If such a person is granted the benefit of the anticipatory bail, it would send a bad and negative message to the society. In view of such fact, we are not inclined to exercise our discretion in favour of the petitioner under Section 438 of the Code of Criminal Procedure.

3. Accordingly, the prayer for anticipatory bail is rejected.
4. CRM (A) 2157 of 2023 is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)