

12.07.2023

Sl. 8

Court No. 29

Suvayan

(Rejected)

C.R.M. (A) 2382 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Uttarpara** Police Station Case No. **396 of 2022** dated **24.10.2022** under Sections **448/ 341/ 323/ 325/ 326/ 308/354/34** of the IPC, 1860.

And

In the matter of: **Tapas Ghosh @ Bapi Ghosh**

....petitioner.

Mr. Arunava Ganguly

...for the petitioner.

Mr. P. K. Ganguly

...for the State.

1. Heard learned Counsel for both the parties.
2. Charge-sheet is stated to have been filed in the meantime.
the petitioner is stated to be the main accused who led the assailants to assault Usha Roy and Puja Roy. Victim, Puja Roy is stated to have miscarried as a result of the assault. The petitioner is at large since the date of incident in October, 2022.
3. Regard being had to the gravity of offence, nature of allegation and the seriousness of offence, we are not inclined to exercise our discretion in favour of the petitioner under Section 438 Cr.P.C at this stage.
4. However, if the petitioner surrender before the ACJM, Serampore in the G.R. case arising out of aforesaid P.S. case within 15 days hence and file an application for bail. His application for bail may be considered and disposed of in accordance with law on the same day. Grounds of parity if canvassed shall be taken into consideration by the learned Court below. It is beneficial to mention here that incarceration for some days is not a ground to test the

question of parity. Advance notice be given to learned Counsel for the State before the date of surrender and application for bail by the petitioner.

5. Accordingly, the prayer for the anticipatory bail is rejected.
6. The application being **CRM (A) 2382 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Apurba Sinha Ray, J.)

