

22.08.2023

SL. 1+2

Court No. 29

Sourav

(Rejected)

C.R.M. (A) 2464 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bhatpara** Police Station Case No. **73** of **2020** dated **09.02.2020** under Sections **406/409/420/467/468/471/120B** IPC.

And

In the matter of: **Manoj Kumar Singh**

....petitioner.

Mr. Ayan Bhattacharya

Mr. Satadru Lahiri

...for the petitioner.

Mr. Saswata Gopal Mukherji, Ld. PP

Mr. Rudradipta Nandy, Ld. APP

Mr. Ranadeb Sengupta

... for the State.

With

C.R.M. (A) 2469 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bhatpara** Police Station Case No. **73** of **2020** dated **09.02.2020** under Sections **406/409/420/467/468/471/120B** IPC.

And

In the matter of: **Tumpa Singha Roy**

....petitioner.

Mr. Ayan Bhattacharya

Mr. Satadru Lahiri

...for the petitioner.

Mr. Saswata Gopal Mukherji, Ld. PP

Mr. Rudradipta Nandy, Ld. APP

Mr. Ranadeb Sengupta

... for the State.

1. Heard learned Counsel for the parties.
2. As both the anticipatory bail applications arise out of the same police station case, those are taken up for disposal by this common order.

3. Admittedly, the earlier petitions for anticipatory bail filed by the present petitioners has been rejected. The present petitions for anticipatory bail have been filed showing before us some defects in appreciation of a particular document which is held to be forged but actually the same is not forged. We cannot certainly review the earlier order of the co-ordinate Bench in view of bar under Section 362 Cr.P.C. and knowledge about the genuineness of the document, post-facto the order passed by the co-ordinate Bench is also not a ground to constitute supervening circumstance.
4. Accordingly, the prayer for the anticipatory bail is rejected.
5. However, the petitioners in both the anticipatory bail applications are directed to appear before the competent Magistrate within 15 days from today with three days advance notice to the learned Public Prosecutor/Additional Public Prosecutor attached to that Court so that the C.D can be obtained by him on the date of appearance of the petitioners. On their appearance and application for bail, the same shall be taken into consideration on merit and disposed of in accordance with law on the same day. Ground of parity if advanced by learned Counsel for the petitioners shall be taken into consideration as all the co-accused persons are stated to be on regular bail and charge-sheet is stated to have been filed.
6. It is beneficial to mention here that while considering the question of parity, it is not the duty of a Magistrate to weigh how many days one accused has been or had been in

custody. The question of parity is to be weighed on the basis of nature of evidence which weigh in the mind of the Court in admitting the co-accused persons on bail.

7. With the aforementioned observation, the applications being **CRM (A) 2464 of 2023** and **CRM (A) 2469 of 2023** are dismissed.
8. It is submitted by learned Public Prosecutor that despite filing of charge-sheet, further investigation is going on.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

