

17.07.2023
(M/L 80)
Ct. No.29
Rejected
(SKB)

CRM (A) 2475 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Kanksa P.S. Case No.381 dated 18.10.2022 under Sections 420/406/120B of the Indian Penal Code.

In the matter of : Susanta Pal

... Petitioner

Mr. Monish Sen,
Ms. Oisani Mukherjee

... for the petitioner

Mr. Saibal Bapuli, APP,
Mr. Soumik Ganguli

... for the State

1. Heard the learned Counsel for the parties.
2. In view of the undertaking of the petitioner in non-judicial stamp paper at page 29 of the case diary, we are not inclined to exercise out discretion under Section 438 of the Cr.P.C. though this is a fit case where the petitioner should be released on regular bail. Specially, in view of the fact that all the evidences in the case are documentary in nature.
3. Regard being had to such facts, the prayer for anticipatory bail is rejected. However, if the petitioner appears before the learned ACJM Durgapur in the G.R. case arising out of the aforesaid P.S. within 15 days from today and makes any motion for bail, the same shall be

disposed of on merit in accordance with law on the same day without being influenced by our above observation. It is obvious to mention here that if ground of right is canvassed, the same may be taken into consideration while taking into consideration that ground of incarceration of the co-accused in jail for some period shall not be a valid ground to reject the prayer for bail. The petitioner is further directed to give advance notice to the concerned Public Prosecutor at least one day before the date of his surrender so that the case diary shall be available to the learned ACJM on the day of consideration of the prayer for bail.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)