

08.08.2023

SL. 5

Court No. 29

Sourav

(Rejected)

C.R.M. (A) 2577 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Naihati GRPS** Police Station Case No. **15** of **2023** dated **04.04.2023** under Sections **419/363/365/392** IPC.

And

In the matter of: **Sujan Biswas**

....petitioner.

Mr. Prasun Mukherjee

Mr. Mainak Gupta

Mr. Kanchan Roy

...for the petitioner.

Mr. Avishek Sinha

... for the State.

1. Heard learned Counsel for the parties.
2. The prayer for anticipatory bail by the present petitioner was rejected vide order dated 17.05.2023 passed in CRM (A) 2004 of 2023. Release of the co-accused persons on regular bail or filing of charge-sheet in the meantime not being supervening circumstance, we are not inclined to exercise our discretion under Section 438 Cr.P.C in favour of the petitioner. However, if the petitioner surrenders before the learned ACJM, sealdah, in GR Case No. 78 of 2023 within 15 days from today with three days advance notice to the concerned Public Prosecutor attached to the Court, the bail application filed by the petitioner shall be disposed of by the concerned Court on the same day. Ground of parity, if canvassed, shall be taken into consideration.
3. Learned Counsel for the petitioner is allowed to make necessary corrections in the cause title.
4. Accordingly, the prayer for the anticipatory bail is rejected.

5. The application being **CRM (A) 2577 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

