

13.09.2023
SL. 3
Court No. 29
Sourav
(Rejected)

C.R.M. (A) 2877 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Uttarpara** Police Station Case No. **174** dated **17.05.2023** under Sections **420/406** IPC (corresponding to G.R. Case No. **1159** of **2023**).

And

In the matter of: **Sanjib Prasad**

....petitioner.

Mr. Sumanta Chakrabarty
Mr. Anindya Halder

...for the petitioner.

Mr. Rudradipta nandy, Ld. APP
Ms. Sonali Das

... for the State.

Mr. Sandip Chakrabarty
Mr. Kaustav Das

... for the defacto complainant.

1. Heard learned Counsel for the parties.
2. In course of hearing of the case on 09.08.2023, it was submitted by learned Counsel for the petitioner that talk of compromise is going on between the parties. The informant in the present case is a widow who is in dire necessity of the house or refund of money which her husband had given for purchase of the flat.
3. On the next date, i.e., on 23.08.2023, the petitioner changed his Counsel who started argument ignoring the undertaking of the petitioner given through Counsel on the earlier occasion.
4. It is no more *res integra* that if a person gives an undertaking to the Court even through his Counsel, he is bound by the same and going back from the same amounts to civil

contempt. We are, however, not inclined to initiate any proceeding for civil contempt at this stage.

5. Learned Counsel for the petitioner today starts argument on merit again harping upon the nature of dispute.
6. Taking into consideration the conduct of the petitioner, we are not inclined to exercise our discretion in favour of the petitioner under Section 438 Cr.P.C.
7. Accordingly, the prayer for anticipatory bail is rejected.
8. The application being **CRM (A) 2877 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

