

03.10.2023
SL. 17+18
Court No. 29
Suvayan
(Rejected)

C.R.M. (A) 3084 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Baguiati** Police Station Case No. **393 of 2023** dated **09.07.2023** under Sections **420/406** of the IPC.

And

In the matter of: **Madhumay Chakraborty**

....petitioner.

With

C.R.M. (A) 3086 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Baguiati** Police Station Case No. **393 of 2023** dated **09.07.2023** under Sections **420/406** of the IPC.

And

In the matter of: **Abhishek Das**

....petitioner.

Mr. M. F. A. Begg
Ms. Pusmita Das
Mr. Pradip Bose

...for the petitioner.

Mr. Swapan Banerjee
Mr. Suman De

...for the State
in CRM (A) 3084 of 2023.

Mr. Swapan Banerjee
Mr. Anindya Sundar Chatterjee

...for the State
in CRM (A) 3086 of 2023

1. Heard learned Advocate for both the parties.
2. Perused the report of I.O. In spite of our order dated 22.08.2023 the petitioners did not appear before the I.O.
3. Bail is a matter of fiat and discretion of the Court is dependent on such fiat on the part of the petitioner/petitioners seeking bail. When it is found that the petitioner/petitioners is/are not alive to the direction of the Court and remain adamant so far as compliance of the order of the Court is concerned, it is obvious that the Court should not exercise its discretion in favour of such persons on the

hope that they shall cooperate in the investigation, even if the crime is a petty offence. In the present case, the petitioners have been charged under Section 406/420 IPC. Had they cooperated with the I.O., the matter could have been resolved to some extent. They having not cooperated and they having not come forward with any material to show that they intended to cooperate but they were prevented, we do not find any ground to disbelieve the report of the I.O. and the I.O. who is present in the Court.

4. Regard being had to the aforesaid facts, we deem it just and proper to reject the prayer of anticipatory bail.
5. Accordingly, the prayer for the anticipatory bails are rejected.
6. The applications being **CRM (A) 3084 of 2023** and **CRM (A) 3086 of 2023** are dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

