

22.08.2023
ML. 290
Court No. 29
Sourav
(Rejected)

C.R.M. (A) 3093 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Khanakul** Police Station Case No. **522** dated **30.11.2022** under Sections **143/341/323/325/326/307/506/34** IPC.

And

In the matter of: **Sandip Bar**

....petitioner.

Mr. Niladri Sekhar Ghosh
Mr. Sompurna Chatterjee
Mr. Sourav Mondal

...for the petitioner.

Mr. Saibal Bapuli, Ld. APP
Mr. Arani Bhattacharyya

... for the State.

1. Heard learned Counsel for the parties.
2. The earlier prayer of the anticipatory bail of the petitioner was rejected. The present petition for anticipatory bail is filed on the ground that the number of antecedent supplied against the petitioner was not correct and only five cases are pending against him. Such a roving enquiry by the accused in unearthing new facts is not a supervening circumstance for reconsideration of the prayer of anticipatory bail when at least some cases are pending against the petitioner and one of the ground for rejection of the earlier prayer was record of past criminal antecedent. Learned Counsel for the petitioner at this stage submits that he shall file a petition by withdrawing the present petition for anticipatory bail for recall of the earlier orders. But an order passed by a competent court disposing of a particular matter become *functus officio* and

such order on merit cannot be recalled.

3. Accordingly, the prayer for anticipatory bail is rejected.
4. The application being **CRM (A) 3093 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

