

12.09.2023
Sl. 6 to 9
Court No. 29
Suvayan

C.R.M. (A) 3224 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Goghat** Police Station Case No. **185** dated **24.07.2021** under Sections **341/325/326/307/427/34** of the IPC.

And

In the matter of: **Matiar Mallik & Ors.**

....petitioners.

With

C.R.M. (A) 3230 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Goghat** Police Station Case No. **185** dated **24.07.2021** under Sections **341/325/326/307/427/34** of the IPC.

And

In the matter of: **Miraj Mondal & Ors.**

....petitioners.

With

C.R.M. (A) 3232 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Goghat** Police Station Case No. **185** dated **24.07.2021** under Sections **341/325/326/307/427/34** of the IPC.

And

In the matter of: **Asajul Mallik & Ors.**

....petitioners.

With

C.R.M. (A) 3238 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Goghat** Police Station Case No. **185** dated **24.07.2021** under Sections **341/325/326/307/427/34** of the IPC.

And

In the matter of: **Sultan Khan & Ors.**

....petitioners.

Mr. Abhisek Addhya

...for the petitioners.

Mr. Rudradipta Nandy, APP
Ms. Sonali Das

...for the State.

1. Heard learned Counsel for both the parties.
2. As these anticipatory bail applications arise out of the same P.S. case they are taken up together for disposal by this common order.
3. The earlier petition for anticipatory bail by the present petitioners was rejected vide order dated 11.04.2022 passed in CRM (A) 1655 of 2022.
4. The petitioners thereafter moved this Court in its inherent jurisdiction under Section 482 Cr.P.C. While not pressing the said petition before the Court leave was sought for from this Court to the effect that the petitioners shall surrender before the competent Court and seek bail and the warrant of arrest issued against them should be stayed.
5. Without complying with the undertaking given before this Court in petition under Section 482 Cr.P.C., the petitioners have filed this petition under Section 438 Cr.P.C. for the second time.
6. It is well settled in law that any undertaking given by the parties in any of the proceeding before any Court through a Counsel, if not complied with shall be visited by civil contempt.
7. We are, however, not going to that aspect taking into consideration the helplessness of the learned Counsel for the petitioners who has filed these petitions on the basis of instructions but we are not inclined to entertain these petitions on the second occasion when the earlier prayer has been rejected on merit.

8. Accordingly, all the anticipatory bail applications being CRM (A) 3224 of 2023, CRM (A) 3230 of 2023, CRM (A) 3232 of 2023 and CRM (A) 3238 of 2023 are dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

