

04.09.2023

SL. 5

Court No. 29

Sourav

(Rejected)

C.R.M. (A) 3332 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Liluah** Police Station Case No. **128** of **2023** dated **26.03.2023** under Sections **272/273** IPC and Section **46AA** of the Bengal Excise Act (corresponding to G.R. Case No. **328** of **2023**).

And

In the matter of: **Debkumar Das @ Debu**

....petitioner.

Mr. Ramashis Mukherjee

Mr. Rameshwar Sinha

...for the petitioner.

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

... for the State.

1. Heard learned Counsel for the parties.
2. This is a second application for anticipatory bail after the first one being rejected on 05.04.2023 passed in CRM (A) 1445 of 2023. Now, the charge-sheet has been filed and it is submitted by learned Counsel for the petitioner that all the co-accused persons are enjoying the liberty of anticipatory bail and the earlier application for anticipatory bail was rejected at a nascent stage of investigation. We do not find the same to be supervening circumstances.
3. Accordingly, the prayer for anticipatory bail is rejected.
4. The application being **CRM (A) 3332 of 2023** is dismissed.
5. However, if the petitioner appears before the competent magistrate within 15 days from today with three days advance notice to the PP/APP attached to the said Court and files application for bail, such application for bail shall be disposed of on merit on the same day. Question of parity, if canvassed,

shall be taken into consideration especially, in view of the fact that nothing was seized from the present petitioner and the basis of implication of the present petitioner is the statement of the co-accused.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

