

06.12.2023

11

sdas

rejected

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M.(A) No. 941 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with NJP Police Station Case No. 1056 of 2022 dated 21.09.2022 under Sections 384/385/306/120B of the Indian Penal Code.

And

In Re : Ganesh Sarkar petitioner

Ms. Madhushri Dutta

....for the petitioner

Mr. Kallol Acharjee

Mr. Kallol Nag

..... for the State

1. Heard the learned Counsels for the parties.
2. We have considered the materials on record. This is a subsequent application of anticipatory bail. It is contended that police report has been filed after rejection of pre-arrest bail. We are of the opinion submission of police report is an incriminating and not an extenuating change of circumstance which would justify entertaining a subsequent prayer for anticipatory bail. Accordingly, we are not inclined to grant anticipatory bail to the petitioner.
3. Application for anticipatory bail is, thus, rejected.

4. Investigating officer shall submit report why the petitioner had not been apprehended notwithstanding his prayer for anticipatory bail being rejected earlier.
5. Report be filed before the next Circuit Bench.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)