

30.01.2024

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Ct. No. 29
S.D.

C.R.M.(A) 163 of 2024

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bamangola** Police Station Case No. **178 of 2023** dated **04.11.2023** under Section **448/376/511** of the Indian Penal Code.

And

In Re : Shib Hansda

..... petitioner

Mr. Parvej Anam

...for the petitioner

Mr. Anand Keshari

...for the State

Petitioner is personally present.

Petitioner obtained an order dated January 9, 2024 passed in C.R.M. (A) 38 of 2024 granting him anticipatory bail by this Court.

Subsequent thereto, on January 15, 2024, the present application was filed.

In response to the query of the Court as to how, the second application for anticipatory bail was filed, learned advocate for the petitioner submits that, the petitioner authorized a person to file anticipatory bail on his behalf being C.R.M. (A) 38 of 2024 and upon not receiving any information with regard thereto, he filed the present application.

Orders of the Court are available in the server.

That apart, the petitioner before us engaged an Advocate.

Petitioner did not plead the aspect of filing of the earlier application being C.R.M. (A) 38 of 2024 in the present application. Petitioner did not take any steps or at least the present application does not show any steps being taken by the petitioner to acquaint himself as to the result of the earlier application. The conduct of the petitioner is deplorable. He is not only to seek to mislead the Court but also obtain orders which he is not entitled to.

In such circumstances, this conduct of the petitioner should not go unnoticed.

Dismissing the present application without anything else would not be in the interest of justice.

In such circumstances, petitioner will deposit costs assessed at Rs.1 lakh with the West Bengal State Legal Services Authority, Kolkata within 7 days from date. He will produce the documentary evidence of such deposit with the Investigating Officer.

In the event, such cost is not deposited within the time period specified, Investigating Officer will communicate this order to the District Magistrate under whose jurisdiction the petitioner is residing, who is directed to initiate proceeding for the recovery of the cost as arrear of the land revenue from the

petitioner and report the result of such proceeding to the Investigating Officer.

The Jurisdictional Court is requested to ensure that the cost is realized from the petitioner, in accordance with this order.

C.R.M. (A) 163 of 2024 is disposed of accordingly.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)