

03.05.2024
Serial no. 46
[G.S.D]

CRR 923 of 2023
With
CRAN 1 of 2024

In the matter of : Tinku Mukherjee

... .. Petitioner

Mr. Debopam Roy
Mr. Sumit Biswas
Ms. Rajashree Bhowmick

... for the petitioner

Mr. Rundradipta Nandy
Ms. Sanjana Saha

... for the State

Mr. Rohan Raj ... for the o.p. no.2

The petitioner approached this court challenging the First Information Report submitted in connection with Belur Police Station Case No. 167 of 2022 dt. 23.7.22 under sections 420/406/120B of the IPC, which is pending before the Id. CJM, Howrah.

Mr. Nandy, Id. advocate appearing for the State, has produced the case diary, which reflects that charge-sheet has already been submitted before the Id. Jurisdictional court.

I find from the charge-sheet that the investigating officer has expressed his version regarding the present petitioner/accused that he has cooperated with the investigation pursuant to the notices issued under section

41A of the cr.p.c. and, as such, he was not arrested in connection with the instant case during the course of investigation, prior and post submissions of the charge-sheet.

Having considered that the petitioner was not arrested in connection with the instant case during the course of investigation, I am of the view that the principle set out by the Hon'ble Supreme Court in the case of [*Satender Kumar Antil v. CBI & Anr.* reported in (2022 SCC OnLine SC 825)] should be adhered to by the Ld. trial court while considering the application for bail of the petitioner.

Petitioner is granted liberty to file afresh in view of the changed circumstances after receiving the documents under section 207 of the cr.p.c.

With the aforesaid observations CRR 923 of 2023 is disposed of.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)