

11.06.2024
SL No.14
Court No.29
(gc)

CRM (A) 1842 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Tamluk Police Station Case No.146 of 2024 dated 19.02.2024 under Sections 341/323/325/376(2)(n)/201/307/34 of the Indian Penal Code.

And

In the matter of : **Ananda Kumar Nayak**

- Petitioner.

Mr. Shekhar Basu, Ld. Sr. Adv.,
Mr. Rajdeep Majumder,
Mr. Moyukh Mukherjee,
Mr. Pritam Ray,
Ms. Sagnika Banerjee

....For the Petitioner.

Mr. Bibhaswan Bhattacharya,
Ms. Jonaki Saha

... For the State.

1. It is unfortunate that during the pendency of this application for anticipatory bail, the present petitioner has been arrested. It appears that on 24th May, 2024, the matter was adjourned as service upon the de facto complainant was incomplete. On 30th May, 2024, it appears that the principal accused, namely, Deb Kamal Das was granted anticipatory bail by a Coordinate Bench.
2. Mr. Shekhar Basu, learned Senior Counsel representing the petitioner submits that in view of the fact that the principal accused was granted anticipatory bail, there is no reason for the Court not to grant similar benefit to the present petitioner as he stands on a better footing than Deb Kamal Das.

3. The State could not offer any explanation for the immediate arrest being made after 24th May, 2024. In fact, the petitioner was arrested on 10th June, 2024 when this Court was in seisin over the matter. We presume that the Investigating Officer was aware of the fact that the principal accused was granted anticipatory bail on 30th May, 2024 and having regard to the said fact ought to have waited till the matter is taken up by this Bench.
4. In view of the fact that the petitioner has now been arrested, we are unable to pass any order in this matter.
5. The application is accordingly disposed of by recording that the petitioner has been arrested on 10th June, 2024.
6. All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)