

02.01.2024

Sl.10

Court No.29

(AD)

(Rejected)

C.R.M. (A) 4208 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Balagarh** Police Station Case No.**55 of 2023** dated **07.02.2023** under Sections **420/406/419/465/467/468/471/472/120B** of the Indian Penal Code (G.R. No.353 of 2023).

And

In the matter of: **Rocky Mirdha @ Rooky Mridha**

....petitioner.

Ms. Minoti Gomes

Ms. Dona Sanyal

... for the petitioner.

Mr. Rudradipta Nandy, Ld. APP

Mr. Subrato Roy

...for the State.

The application for anticipatory bail is taken up for consideration subsequent to the order dated October 16, 2023, passed by the Coordinate Bench.

By such order, the petitioner was enlarged on interim anticipatory bail.

It is submitted at the bar that such order was passed without taking into consideration the materials in the case diary and just prior to the ensuing puja vacation.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated. The petitioner is not part of the racket of taking money from the members of the public on the promise of grant of railway job.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary including the

statement recorded under Section 161 of the Code of Criminal Procedure. He submits that subsequent to the order dated October 16, 2023, the Investigating Officer tried to contact the petitioner at the address given and the petitioner was not found thereat.

Apparently, there is a racket which extracts money from the members of the public on the promise of grant of railway jobs.

It is claimed by one of the victims of such racket that, the petitioner is involved therein and that the victim was taken to the petitioner for such purpose.

In view of the nature of allegations as against the petitioner and in view of the gravity of the offence and the involvement of the petitioner as transpiring from the materials in the case diary, we are unable to extend the interim anticipatory bail granted to the petitioner on October 16, 2023. Moreover, the Investigating Officer states that, he was unable to locate the petitioner subsequent to the order dated October 16, 2023.

In such circumstances, the prayer for anticipatory bail of the petitioner is rejected.

C.R.M. (A) 4208 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)