

05.01.2024

Serial no. 75
Anticipatory bail
[Rejected]
Dd

CRM (A) 4602 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Tamluk** Police Station Case No. **1137** of **2022** dated **17.12.2022** under Sections **447/448/323/354/306/506/509/427/34** of the Indian Penal Code, 1860.
(G.R. Case No. 3636/2022)*

-And-

In the matter of : **Tapan Ghorai & Anr.**
... ..**Petitioners**

Mr. Suman De, Advocate
... .. For the Petitioners

Mr. Binay Panda,
Ms. Puspita Saha, Advocates
... ..For the State

Petition is taken up for consideration subsequent to order dated October 16, 2023.

By such order, interim anticipatory bail was granted by the co-ordinate Bench.

It is submitted at the Bar that the co-ordinate Bench did not consider the materials in the case diary and passed such order in view of the ensuing Puja vacation.

We perused the materials in the case diary. Two other co-accuseds were denied anticipatory bail by the order dated February 16, 2023 passed in CRM (A) 602 of 2023.

The materials in the case diary suggest that the victim was humiliated by the petitioners, amongst others, made half naked in the course of search of the items allegedly stolen.

In such circumstances, the role of the petitioners requires investigation.

Consequently, we are unable to confirm the interim anticipatory bail granted on October 16, 2023 or grant anticipatory bail to the petitioners.

Prayer for anticipatory bail of the petitioners is **rejected**.

CRM (A) 4602 of 2023 is **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)