

06.02.2024
506(ML)
Ct. No. 29
S.D.
REJECTED

C.R.M.(A) 5583 of 2023

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Tamluk** Police Station Case No. **1294 of 2023** dated **04.12.2023** under Section **406/409/120B4** of the Indian Penal Code.

And

In Re : Suvendu Hatua

..... petitioner

Mr. Sekhar Kumar Basu, Sr. Adv.,
Mr. Jakir Hossain
...for the petitioner

Mr. Debasish Roy, Ld. P.P.,
Mr. Rudradipta Nandy, P.P.,
Mr. Antarikhya Basu
...for the State

Petitioner prays for anticipatory bail.

Learned Senior Advocate appearing for the petitioner draws the attention of the Court two orders dated passed by the High Court in a writ petition; one by the learned Single Judge and the other by the Division Bench. He submits that, the Division Bench directed that the order of the learned Single Judge should not form the basis of the First Information Report. He draws the attention of the Court to the fact that the Division Bench passed such order on December 7, 2023 while the First Information Report was registered on December 4, 2023.

Learned advocate appearing for the State draws the attention of the Court to the materials of the case diary. He submits that, the petitioner claims to be appointed on honorarium basis from 2024 on the basis of a letter, which on investigation was found to be a forgery. Moreover, he points out that the investigation commenced pursuant to the order of the Division Bench dated December 7, 2023 notwithstanding the fact that, the First Information Report was registered on December 4, 2023. Moreover, any appointment on honorarium basis came into existence in 2017 and not 2014.

Apparently, the petitioner claims to be appointed on honorarium basis since 2014. There are two orders of the High Court, one passed by the learned Single Judge and the other by the Division Bench.

The Division Bench by its order dated December 7, 2023 did not stop the investigation rather, directed continuance thereof on certain parameters.

Investigation commenced subsequent to December 7, 2023 throws up startling facts. The petitioner claims appointment on the basis of a document which to say the least is suspect. Various other documents are found to be of suspect, again to say the least, in course of the investigation.

Complicity of the petitioner in the offences alleged is writ large in the materials so far as the available in the case diary.

Enlarging the petitioner on anticipatory bail will be inimical to such investigation.

In such circumstances, we are unable to grant anticipatory bail to the petitioner and the prayer for anticipatory bail is rejected.

The application being **CRM (A) 5583 of 2023** is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)