

20.02.2025
Sl. No.41
akd
[Not pressed]

C. R. M. (A) 597 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 13.02.2025 in connection with Howrah Police Station Case No.205 of 2024 dated 06.06.2024 under Sections 408/420 of the Indian Penal Code. (G.R. Case No.2779 of 2024)

And

In Re: ***Pranab Kumar Singh***

... .. Petitioner

Mr. Debabrata Roy
Ms. Sarbani Mukhopadhyay
Mr. Soumik Mondal

... .. for the petitioner

Mr. Ayan Bhattacharya .. Sr. Advocate
Mr. Soumya Basu Roy Chowdhuri

... .. for the de-facto complainant

Ms. Sayanti Santra
Ms. Atulya Sinha

... .. for the State

1. It is submitted on behalf of the petitioner the de-facto complainant had issued cheques which upon presentation were dishonoured. Petitioner issued notices of dishonour and in retaliation the present case has been registered. Accordingly, he prays for anticipatory bail.
2. Learned senior Advocate for the de-facto complainant submits petitioner had appeared before the jurisdictional Magistrate. Case diary was called for. Thereafter he withdrew the application for surrender and prayed for pre-arrest bail.
3. We are of the view once petitioner had appeared before the jurisdictional Magistrate, he had been taken into custody by the said Magistrate. Thereafter it was not within the domain of the petitioner to withdraw the surrender application and prefer pre-arrest bail. To permit

him to do so would amount to turning the hands of the clock back and erasing an arrest already done by the Magistrate.

4. Needless to mention relief under anticipatory bail is a protection from custody upon arrest which cannot be contemplated after the petitioner had earlier been arrested by the Magistrate but had illegally escaped from the process of law.

5. In view of the aforesaid circumstances, learned Advocate for the petitioner prays to withdraw the application and appear before the Magistrate afresh and pray for regular bail.

6. Accordingly, the application for anticipatory bail is dismissed as not pressed.

7. In the event, the petitioner appears before the jurisdictional Magistrate within seven days from date, learned Magistrate will consider his prayer for regular bail afresh without being influenced by the earlier conduct of the petitioner and bearing in mind the nature of transaction and necessity of custodial interrogation.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)