28.10.2026.
02.
Ct. No.07.
(PRITAM)
[Rejected]

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

(Vacation Bench)

C.R.M. (A) 3890 of 2026.

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Sabang Police Station Case No.452 of 2018 dated 05.11.2018 under Sections 406/409/420 of the IPC, 1860.

And

In Re:- Asim Kumar Rout @ Ashim Kumar Raut.

..... Petitioner.

Mr. Amit Ranjan Pati,
Ms. Swastika Chowdhury,
Ms. Ilika Nag,
Mr. Avijit Chatterjee.

.... for the petitioner.

Mr. Bhaskar Seth,
Mr. Ansuman Bera.

.... for the State.

1. The learned advocate for the petitioner submits that the petitioner is at presently aged about 73 years and is suffering from various ailments. He further submits that the case is based on documentary evidence and for such reason, the custodial interrogation is not necessary.

2. The learned advocate for the State opposes the prayer for anticipatory bail. He draws the attention of the Court to the orders passed by the learned Additional Sessions Judge, 1st Court, Paschim Medinipur in Special Trial No.77 of 2021, directing a written proclamation issued against the petitioner

requiring him to appear before the court. He draws the attention of the Court to the subsequent orders also, wherein the attachment order was issued against the petitioner. The learned advocate for the State further submits that the petitioner is an absconder and for such reason the trial could not proceed.

3. From the materials annexed to this application, it appears that on 14th September, 2026, the petitioner did not press the application under Section 482 of the BNSS before the Sessions Court. It appears to this Court that the trial of this case could not proceed as the petitioner is absconding. Since the complaint relates to embezzlement of funds of Cooperative Society, the Court is not inclined to grant anticipatory bail.

4. The learned advocate appearing for the petitioner places reliance upon a decision of the Hon'ble Supreme Court in the case of Asha Dubey vs. State of Madhya Pradesh (2024 SCC OnLine SC 5633) in support of his contention that mere issuance of proclamation cannot be a ground for rejecting the prayer for anticipatory bail.

5. However, the said decision is distinguishable on facts as in that said reported case the Hon'ble Supreme Court noted that the son of the appellant therein had been arrested and was still in custody and on facts, it was found that it cannot be said that the appellant therein was not co-operating in the investigation and also that despite communication sent by the appellants to the investigating authority, the investigating authority did not call her for attending the investigation. Thus, there was inaction

on the part of the investigating authority in the said reported case. Such aspect is not reflected from the records produced before this Court.

6. The said decision is distinguishable on facts and cannot come to the aid of the petitioner.

7. It is, however, made clear that if the petitioner surrenders before the learned Sessions Judge, it will be open to the learned Sessions Judge to consider the prayer of the petitioner in accordance with law.

8. Accordingly, the prayer for anticipatory bail is rejected.

9. CRM(A) 3890 of 2026 is dismissed.

(Hiranmay Bhattacharyya, J.)