

**IN THE HIGH COURT AT CALCUTTA**  
**APPELLATE SIDE, HIGH COURT AT CALCUTTA**

**CIRCULAR**

**No. 580-RG**

**Date: 11.01.2024**

The Hon'ble Court has been pleased to take Judicial note of the fact, while dealing with CRM (DB) No. 673 of 2023 and CRM (DB) No. 288 of 2023 with CRM (DB) No. 635 of 2023 in the Circuit Bench of Calcutta High Court at Jalpaiguri, that bail/ anticipatory bail applications are filed before the Hon'ble benches and thereafter presumably to avoid rejection are either withdrawn or dismissed for non-prosecution to enable the accused to take a chance before another Bench. After withdrawal, dismissal for non-prosecution and rejection, as the case may be, fresh applications of the self-same matter are being filed suppressing the earlier orders of the Hon'ble Bench. In order to deprecate the creation of fertile ground for forum shopping, the Hon'ble benches pleased to pass the following directions to foster consistency in exercise of judicial discretion and avoid conflict of decisions:-

- 1. Whenever a bail/ anticipatory bail is filed before any Bench, department shall submit a report enclosing all earlier orders passed by this court pertaining to bail/ anticipatory bail applications filed in the case irrespective of the fact whether it relates to the petitioner or any other accused.**
- 2. Where the petitioners before Court are not producing the earlier orders of rejection and suppressing the same, State will ensure that, all earlier orders of rejection are placed before the Court when the applications are taken up for consideration.**
- 3. Department is to check every application for bail and anticipatory bail before listing whether, the same is the first or the subsequent application and in case previous orders in respect of the same police case is found, copies thereof should be made available to the Court taking up the application for bail or anticipatory bail as the case may be.**
- 4. Department will process every application for anticipatory bail and bail on the basis of the police case and will find out as to whether previous applications of either bail or anticipatory bail were filed and the result thereof. It will make available copies of the orders dealing with the same police case as concerned in the application for bail or anticipatory bail as the case may be.**
- 5. Every application for bail and anticipatory bail should contain detailed averments to such effect in the first paragraph thereof, as to whether, it is the first or subsequent application and the number of previous applications and the results thereof. The application for rejection passed by the jurisdictional Court should also be filed along with application for bail or anticipatory bail.**
- 6. Department will also check the averments in the first paragraph of every application. Department shall also examine the records and put up a note accordingly.**
- 7. In cases involving prayer for suspension of sentence under Section 389 of the Code of Criminal Procedure department shall follow the same procedure and submit report enclosing all orders passed in earlier applications pertaining to the appellant and/ or other appellants in the appeal or connected appeals arising from the selfsame judgments and orders.**

This Circular is being issued in pursuance of the order dated 08.12.2023 passed in CRM (DB) No. 673 of 2023 and the order dated 30.11.2023 passed in CRM (DB) No. 288 of 2023 with CRM (DB) No. 635 of 2023 in the Circuit Bench of Calcutta High Court at Jalpaiguri together with the approval of His Lordship, Hon'ble the Chief Justice and applicable to the High Court at Calcutta in its Principal seat as well as Circuit Benches at Jalpaiguri and Port Blair, Andaman & Nicobar Islands.

Registry of the Principal Bench as well as the Registry of the Circuit Benches and all concerned Departments are hereby directed to abide by the aforesaid directions of the Hon'ble Court strictly.

Ld. Advocate General, Ld. Addl. Solicitor General, Public Prosecutor of High Court and three wings of the Bar are also requested to do needful on their respective part.

**By Order,**

**Sd/-**  
**Registrar General.**  
**11.01.2024.**