

12.04.2021

CRM 763 of 2021

Court No.28

(Via Video Conference)

Item 283

sg

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Minakhan Police Station Case No. 248 of 2019 dated 22.10.2019 under Sections 498A/304B/302/34 of the Indian Penal Code and charge sheet has been submitted under Sections 498A/306/34 of IPC and Sections 3 and 4 of D.P. Act.

Mokshed Molla & Ors.

Versus

The State of West Bengal

Mr. Kallol Kumar Basu, Adv.

Md. Jannat ul Firsous, Adv.

...for the Petitioners.

Mr. S.G. Mukherjee, Id. PP

Mr. Aniket Mitra, Adv.

...for the State.

Heard the learned Counsel for both the parties.

It is submitted on behalf of the petitioners that a charge-sheet has been filed on 31st August, 2020 by dropping Sections 302 and 304B of the Indian Penal Code and adding Section 306 of the Indian Penal Code. In view of such changed circumstances, the learned Counsel for the petitioners has renewed the prayer for anticipatory bail.

The learned Counsel for the State produces the case diary and opposes the prayer for anticipatory bail.

We have considered the order dated 11th November, 2019 by which the earlier prayer for anticipatory bail was rejected. We do not find any substance in the prayer of the petitioners merely because at the time of filing the charge-sheet, Sections 302 and 304B of the Indian Penal Code were dropped and would be a matter of consequence for the purpose of considering the present application for anticipatory bail. We have noticed the observation of the coordinate Division Bench that material on record disclosed prima facie involvement of the petitioner nos. 1, 2

and 5, namely the petitioners herein and this observation is no way diluted by omission of Sections 302 and 304B of the Indian Penal Code.

On such consideration, we are not inclined to allow the application for anticipatory bail.

The application for anticipatory bail is, thus, rejected.

All parties shall act on the server copy of the order.

(Tirthankar Ghosh, J.)

(Soumen Sen, J.)