

CRM 2654 of 2021
(Via Video Conference)

In Re: - An application for anticipatory bail under Section 438 of
the Code of Criminal Procedure;

And

In Re: - Rajesh Mandal

Petitioner

Mr. Abani Bhushan Ghosh

For the Petitioner

Mr. S. G. Mukherjee, Ld. P. P.

Mrs. Manasi Roy

For the State

Mr. Mrinmoy Chatterjee

For the Opposite Party

Apprehending arrest in connection with Indus Police
Station case no. 95 of 2020 dated 23.06.2020 under Section 376
(2) (a) (i) of the Indian Penal Code, the present application has
been preferred.

Mr. Ghosh, learned advocate appearing for the petitioner
submits that prior to the complaint lodged by the *de facto*
complainant on 23rd June, 2020 on the basis of which Indas
Police Station Case No.95 of 2020 was registered, the petitioner
lodged a complaint relating to an incident which occurred on 19th
June, 2020 and the same was registered as Bishnupur Police
Station Case No. 100 of 2020 dated 2nd October, 2020. Prior to
conclusion of investigation in the said Bishnupur Police Station
Case No. 100 of 2020 dated 2nd October, 2020, the petitioner filed
an application for anticipatory bail in connection with Indas
Police Station Case No.95 of 2020, which was dismissed on 21st
September, 2020. Thereafter, upon completion of investigation,

a charge sheet was submitted in the said Bishnupur Police Station Case No. 100 of 2020, on 31st January, 2021. In view of such change in circumstances, the present application is maintainable and the petitioner's custodial interrogation is not warranted.

The learned advocate appearing for the State opposes the petitioner's prayer for anticipatory bail and submits that the present application is not maintainable since the petitioner's earlier application has been rejected.

We have heard the learned advocates appearing for the parties and considered the materials in the case diary. It appears that the petitioner's earlier application for anticipatory bail was rejected on 21st September, 2020. The filing of charge sheet, subsequent thereto, in Bishnupur Police Station Case No. 100 of 2020 cannot be construed to be a substantial change in the facts and circumstances of the present case.

In view thereof, the present application being CRM 2654 of 2021 is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Kausik Chanda, J.)

(Tapabrata Chakraborty, J.)