

CRM 7898 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Manas Ari**

..... petitioner

Mr. Amitabha Karmakar

.....For the petitioner

Mr. Debabrata Chatterjee, Ld. APP

Ms. Sujata Das

.....For the State

Apprehending arrest in connection with Nandakumar Police Station Case No. 468/2019 dated 13.11.2019 under Sections 498A/325/307/506/34 of the Indian Penal Code, the present application has been preferred.

Mr. Karmakar, learned advocate appearing for the petitioner submits that the petitioner's prayer for anticipatory bail was first rejected on 14th January, 2020. Thereafter, charge sheet was submitted deleting Section 313 of the Code. The petitioner's second application was rejected on 6th October, 2020 and subsequent thereto, there has been an amicable settlement as would be explicit from the affidavit of the victim as annexed to the present petition. In view of such change in the circumstances, the petitioner may be granted anticipatory bail moreso when upon completion of investigation charge sheet has been filed.

Mr. Chatterjee, learned Additional Public Prosecutor appearing for the State opposes the petitioner's prayer and disputes the contention of the petitioner and submits that the

present application itself is not maintainable since the petitioner's prayer for anticipatory bail was rejected earlier on 6th October, 2020.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

The ingredients of the offences alleged against the petitioner are not compoundable. It appears that the petitioner had all along been absconding since the year 2019. In our opinion, there had been no substantial change in the circumstances subsequent to rejection of the petitioner's earlier prayer for anticipatory bail on 6th October, 2020. Considering the seriousness of the offence, the conduct of the petitioner and the extent of his complicity, we are not inclined to exercise discretion in his favour. His prayer for anticipatory bail is rejected.

The application CRM 7898 of 2021 is, accordingly, dismissed.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)