

C.R.M. (A) 5200 of 2022

21.11.2022
Sl.3
Court No.29
(AD)
(Rejected)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Joypur** Police Station Case No.**04 of 2022** dated **14/01/2022** under Sections **143/341/323/324/325/308/506** of the Indian Penal Code and subsequently Section **302** of the Indian Penal Code is added on dated 29.01.2022 (corresponding to G.R. Case No.37 of 2022).

And

In the matter of: **Kutubuddin Mondal**

....petitioner.

Mr. Ayan Basu
Mr. Sandip Kumar Mondal
Mr. Sourav Bera
Mr. Sumit Routh

... for the petitioner.

Mr. Madhusudan Sur, Ld. APP
Mr. Manoranjan Mahata

... for the State.

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that the prayer for anticipatory bail was rejected on July 8, 2022 merely on the ground of criminal antecedent of the petitioner. Subsequent thereto, other co-accuseds were enlarged on anticipatory bail by the High Court and on bail by the jurisdictional Court. He refers to the order dated October 13, 2022 passed by the jurisdictional Court which notes that all accuseds were on bail excepting the petitioner. He refers to the issuance of proclamation and attachment and submits that there were steps taken subsequent to the filing of the present application of the anticipatory bail and, therefore, they do not stand in the way of the Court considering the application for anticipatory bail on merits.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary. He submits that the order of attachment stands executed.

Apparently, steps for issuance of warrant and attachment were taken subsequent to the filing of the present application for anticipatory bail. The previous application for anticipatory bail of the petitioner was rejected on July 8, 2022 on the ground of existence of criminal antecedent.

There is hardly any material change in circumstances subsequent thereto warranting this Court to take a different view.

In such circumstances, we are unable to grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

C.R.M. (A) 5200 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)