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10.08.2023.
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C.R.M.(A) 2991 of 2023

In the matter of: an application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 20.07.2023 in connection with Tarakeswar Police Station Case No. 96 of 2022 dated 29.04.2022 under Sections 341/325/354B/307/506/34 of the Indian Penal Code.

And

In re.: Sk. Saifuddin & Ors. ... Petitioners

Mr. Abhra Mukherjee,
Mr. Sauradeep Dutta. ... for the
petitioners

Mr. Rudradipta Nandy, Ld. APP,
Ms. Sonali Das. ... for the State.

1. Heard the learned Counsel for the parties.
2. The application for anticipatory bail filed by the present petitioners was turned down by an order dated 5th August, 2022 in C.R.M. (A) 3741 of 2022. Now the present application renewing the selfsame prayer have been filed on the ground that charge-sheet has already been submitted and some of the co-accused persons have already released on bail.
3. The aforesaid facts being not supervening circumstances, we do not want to reopen the earlier order.
4. Accordingly, the application being CRM(A) 2991 of 2023 is dismissed.
5. However, if the petitioners appear before the competent Magistrate within fifteen days from today by giving three days advance notice to the Public Prosecutor attached to the said Court and files application for bail,

such bail application shall be disposed of upon merits on the same day.

6. It is beneficial to mention here that if there is material to show that the victim or the victims have not sustained any grievous injury and there is no material to attract the offence under Section 307 of the Indian Penal Code, the petitioners should be released on bail as other offences are bailable in nature.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)