

20.09.2023

ML. 194
Court No. 29
Sourav
(Dismissed)

C.R.M. (A) 3802 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Habra** Police Station Case No. **221** of **2019** dated **03.06.2019** under Sections **498A/326/307/34** IPC read with Sections **302** IPC (corresponding to G.R. Case No. 1444 of 2019)

And

In the matter of: **Mina Rani Banik**

....petitioner.

Mr. Debasis Kar
Mr. Husen Mustafi

...for the petitioner.

Mr. Arijit Ganguly
Mr. Avik Ghatak

...for the State.

1. Heard learned Counsel for the parties.
2. This is a second application for anticipatory bail which learned Counsel for the petitioner presses to be maintainable on the basis of decision of Hon'ble Supreme Court in the case of ***Ravindra Saxena Vs. State of Rajasthan*** reported in ***2010 (1) SCC 684***.
3. From the aforesaid judgment, we do not find that second application for anticipatory bail can be maintained even if the first one has already been disposed of on merit. Secondly, it is submitted by learned Counsel for the State that proclamation has already been issued and published under Section 82 of the Cr.P.C. against the present petitioner on 10.08.2023 and the present petition for anticipatory bail having been filed on 24.08.2023, it is not maintainable as such, in view of judicial dictums.
4. However, it is submitted by the learned Counsel for the

petitioner that the petitioner is the old mother-in-law of the deceased and the husband of the deceased who is the principal accused has already been released on regular bail in the meantime.

5. Accordingly, the application being **CRM (A) 3802 of 2023** is dismissed.
6. In view of such submission, it is directed that the petitioner, if so advised, appears before the learned CJM, Barasat in G.R. Case No. 1444 of 2019 within 15 days from today with three days advance notice to the PP/APP attached to the said Court and files application for bail, such application for bail shall be disposed of on merit on the same day. Needless to mention here that if ground of parity is canvassed by the present petitioner, the same may be considered liberally by the learned court at the time of disposal of the aforesaid bail application.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

