

20.09.2023
ML. 201
Court No. 29
Suvayan
(Rejected)

C.R.M. (A) 3809 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Rabindranagar** Police Station Case No. **390 of 2021** dated **16.11.2021** under Sections **143/ 447/ 323/ 325/ 307/ 427/ 354/506** of the IPC.

And

In the matter of: **Raj Gazi @ Aminuddin Gazi & Anr.**

....petitioners.

Ms. Shaika Khan

...for the petitioners.

Mr. Swapan Banerjee

Mr. Anindya Sundar Chatterjee

...for the State.

Mr. Prabir Mitra

Mr. Pinak Kr. Mitra

...for the de facto complainant.

1. Heard learned Advocate for both the parties.
2. It is fairly submitted at the Bar that prior to the filing of the instant application for anticipatory bail proclamation order under Section 82 of the Cr.P.C. has been published.
3. Such being the position, the instant petition for anticipatory bail which has been filed for the second time is held to be not maintainable and, thus, same is dismissed.
4. However, in the event the present petitioners surrender before the learned Additional Chief Judicial Magistrate, Alipore in connection with G.R. Case No. 828 of 2021 within a fortnight, if so advised and file an application for bail with a prior notice to the PP/APP attached to the said Court the said application for bail shall have to be disposed of by the said Magistrate on merit on the self-same day. If ground of parity is taken, the same shall be considered by the learned ACJM, Alipore in accordance with law.

5. Accordingly, the application being **CRM (A) 3809 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

