

12.10.2023
M/L 50
Ct. No.29
(Dismissed)
(SKB)

CRM (A) 4139 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Santipur P. S. Case No.403 of 2020 dated 14.09.2020 under Sections 447/427/435/436 of the Indian Penal Code and Sections 3/4 of Explosive Substances Act (G.R. No.1720 of 2020).

In the matter of : Nasiruddin Dhabak and another
... Petitioners

Ms. Sananda Bhattacharyya
... for the petitioners

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee
Mr. Koushik Kundu
... for the State

1. Heard learned counsel for the parties.
2. The earlier petition filed by the present petitioners for anticipatory bail was rejected on 05.07.2023 in CRM(A) 3172 of 2022 by a co-ordinate Bench.
3. We do not find any supervening circumstance in the submission of learned counsel for the petitioners warranting reconsideration of the prayer for anticipatory bail again.
4. In view of such fact, the application for anticipatory bail is dismissed. However, if the petitioners want to prove their *bona fide*, they may appear before the competent court within 15 days from reopening of the court after the

ensuing Puja Vacation by giving three days' advance notice to the concerned PP/APP attached to that court.

5. On their appearance and application for bail, the same shall be disposed of on merit on the same day after hearing learned counsel for both the parties. The ground of parity, if canvassed, shall be taken into consideration by the learned trial court. If the petitioners fail to comply with the aforesaid observation, the *bona fide* of the petitioners shall be suspicious which shall have bearing on their future application for bail under Section 439 Cr.P.C.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)