

20.11.2023
D/L 32
Ct. No.29
(Rejected)
(SKB)

CRM (A) 4338 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Sagarpara P. S. Case No.81 of 2023 dated 30.03.2023 under Sections 302/34 of the Indian Penal Code (G.R. Case No.1307 of 2023).

In the matter of : Bapan Sk @ Md. Bapan Mondal
@ Bapan Mondal

... Petitioner

Mr. Tapodip Gupta

... for the petitioner

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

... for the State

Ms. Minoti Gomes

... for the defacto complainant

1. Heard learned advocates for the parties.
2. It is contended that though previously similar such application of the petitioner was rejected by this Bench, but in the meantime, several co-accused persons have been enlarged on anticipatory bail by this court.
3. In our considered view, the ground as taken by learned advocate for the petitioner cannot be considered to be a supervening circumstance warranting reconsideration of the prayer for anticipatory bail again.
4. Accordingly, the prayer for anticipatory bail of the petitioner is considered and rejected. However, in the event, the petitioner wants to prove his *bona fide*, he may

appear before the competent court within 15 days from the date of uploading of this order by giving three days' advance notice to the concerned PP/APP attached to that court.

5. On his 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 petitioner fails to comply with the aforesaid observation, the *bona fide* of the petitioner shall be suspicious which shall have bearing on his future application for bail under Section 439 Cr.P.C.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)