

05.12.2023
(A. 47)

C.R.M. (A) 4611 of 2023

Court No. 29

S. Banerjee
(Allowed)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Jagacha** Police Station Case No. **257 of 2021** dated **17.09.2021** under Sections **448/323/506/376D/120B** of the Indian Penal Code.

And

In the matter of: **Kamal Ganguly @ Kamal Babu**

....petitioner

Mr. Sandip Chakraborty
Mr. Kaustav Das

...for the petitioner

Mr. Rudradipta Nandy
Mr. Iqbal Kabir

...for the State

Mr. Sayan Mukherjee

...for the de-facto complaint

1. Heard the learned advocates for the parties.
2. In absence of any supervening circumstances for entertaining the instant application for anticipatory bail for the second time, we are not inclined to exercise our discretion under Section 438 of the Code of Criminal Procedure in favour of the petitioner. Accordingly, prayer for anticipatory bail is considered and rejected.
3. However, in the event, if the petitioner is so advised, he may surrender before the learned Chief Judicial Magistrate, Howrah within a fortnight from the date of this order. On his appearance an application for bail with 5 days prior notice to the learned Public Prosecutor or the learned Additional Public Prosecutor attached to the said court, the said application shall have to be disposed of by the learned trial court on the

same day on merit in accordance with law.

4. Ground of parity if canvassed, the same may also be looked into by the learned trial court in accordance with law.
5. With the aforesaid observation, **CRM (A) 4611 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

