

D/L 204
February 9, 2023
MNS

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (A) 61 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 11.01.2023 in connection with NJP Police Station Case No. 1056 of 2022 dated 21.09.2022 for the alleged offence under Sections 384/385/306/120B of the Indian Penal Code, 1860.

And

In the matter of: Ganesh Sarkar

.... petitioner

Mr. Nabankur Pal

... for the petitioner

Mr. Ujjwal Luksom,
Ms. Namrata Das

... for the State

Learned counsel for the petitioner submits, in his usual fairness, that subsequent to the filing of the present application, it was discovered by learned counsel that there was a previous rejection of similar prayer by a co-ordinate Bench dated October 21, 2022. Learned counsel further submits that in view of the nature of the allegations levelled against the petitioner, anticipatory bail ought to be granted to the petitioner.

Learned counsel for the State hands over a copy of the order dated October 21, 2022 and submits that there has been no change of circumstance, for which the prayer should be refused.

Upon hearing learned counsel for the parties, we are convinced that the petitioner has been unable to satisfy any change of circumstance since the previous rejection of his prayer for anticipatory bail dated October 21, 2022.

As such, there is no scope of granting anticipatory bail to the petitioner.

Accordingly, CRM (A) 61 of 2023 is dismissed.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)