

14.09.2023

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***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

CRM (A) 746 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 05.09.2023 in connection with Bhaktinagar Police Station Case No. 137 of 2023 dated 26.02.2023 under Sections 498A/325/307 of the Indian Penal Code.

In the matter of : Rita Ghosh & Anr.

... Petitioners

Mr. Hillol Saha Poddar

...for the petitioners

Mr. Kallol Acharjee,
Mr. Chattu Roy

.....for the State

1. Learned counsel for the petitioners submits that the petitioners failed to point out to the coordinate Bench, when the previous application for anticipatory bail of the petitioners was rejected, that the husband of the victim, who is the principal accused, was already on bail at that point of time.
2. It is submitted that in view of the nature of allegations made against the petitioners, the petitioners are entitled to anticipatory bail.
3. Learned counsel appearing for the State vehemently opposes the prayer for anticipatory bail.

4. We find from a certified copy relied on by the petitioners that on August 19, 2023, that is, two days prior to the refusal of anticipatory bail to the petitioners, the husband, one of the primary accused, was granted bail.

5. However, we find that the coordinate Bench considered the nature of charges made by the *de facto* complainant against the petitioners, who are the mother-in-law and father-in-law of the *de facto* complainant, on which the coordinate Bench was not inclined to grant anticipatory bail to the petitioners.

6. Hence, no relief can be granted to the petitioners on the ground of nature of charges since we cannot reopen the issue so soon, as similar relief was refused to the petitioners on August 21, 2023.

7. Since the husband has already been granted bail, nothing prevents the petitioners from approaching the appropriate court for obtaining regular bail. Moreover, the practice of making frequent applications for anticipatory bail, even upon being refused on the last occasion, on whatever ground, is deprecated.

8. Thus, there is no scope of allowing the present application.

9. CRM (A) 746 of 2023 is, thus, dismissed with liberty to the petitioners to approach the appropriate forum for regular bail.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)