

18.4.2024
DL-25
Court No.29
SD/Srimanta)
(Rejected)

C.R.M. (A) 1174 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bhangore** Police Station Case No.**104 of 2021** dated **28.02.2021** under Sections **143/147/148/149/325/326/307** of the Indian Penal Code.

And

In the matter of: **Md. Jakir Ali Molla & Ors.**

....petitioners.

Mr. Firdous Samim
Mr. Aniruddha Bhattacharya
Ms. Gopa Biswas
Ms. Payel Shome
Ms. Sampriti Saha
Mr. Avijit Kar

...for the petitioners.

Mr. Prasun Kumar Dutta
Ms. Sima Biswas

... for the State.

Petitioners renew the prayer for anticipatory bail.

Learned counsel appearing for the petitioners submits that, subsequent to the earlier order of rejection dated March 1, 2022 passed in CRM (A) 390 of 2022, police filed charge sheet dropping provision of Sections 3/4 of the Explosive Substance Act. He submits that filing of charge sheet and that too without the provision of Explosive Substance Act being dropped therefrom, are change in circumstances which entitles the petitioners to renew the prayer for anticipatory bail.

State is represented.

The coordinate Bench, rejected the prayer for anticipatory bail on March 1, 2022 passed in CRM (A) 390 of 2022, considered not only the sections of the Explosive Substance Act, under which the police were investigating, but also took into consideration the medical documents and the complicity of the petitioners in the offence.

Persons suffered injuries in an incident of assault.

The coordinate Bench obviously took such facts into consideration while rejecting the prayer for anticipatory bail.

Subsequent thereto, charge sheet was filed by the police. In the charge sheet, the provisions of the Explosive Substance Act were dropped.

Charge sheet was submitted by the police in December 2002.

The police case is dated February 8, 2021.

There is an issue of long absconsion of the petitioners.

Under such circumstances, we are not minded to grant anticipatory bail to the petitioners.

Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

C.R.M. (A) 1174 of 2024 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)