

15.07.2024
Court No.29
Item No. 16

sg

CRM (A) 2365 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kandi Police Station Case No. 672 of 2023 dated 09.11.2023 under Section 498A/304B/306/34 IPC and section 3/4 of the D.P. Act.

And

In Re: **Meni Rajbangshi @ Milan Rajbongshi & Anr.**
Petitioners

Mr. Kallol Kumar Basu
Md. Jannatul Firdous

For the Petitioners

Ms. Subhoshree Patel
Mr. Asif Dewan

For the State

1. This is application for renewal of the prayer for anticipatory bail.
2. The learned Counsel for the petitioners submits that the petitioners are innocent and having regard to the fact that the charge sheet has now been filed by omitting section 302 Cr.PC and replacing it by section 506 Cr.PC, there has been a dilution in the charges for which the prayer for anticipatory bail may be considered. It is further submitted that the petitioner no.2 is an elderly person.
3. The earlier Bench in rejection the prayer for anticipatory bail has observed as follows:

“Post Mortem Report of the victim shows that, there was old heal scar mark over the left scapular region.

Statements of neighbours implicate all the petitioners before us in assaulting the victim on demand for dowry. Such statements also implicate all the petitioners before us in torturing the victim both physically and mentally.

Considering the gravity of the offence and the involvement of the petitioners therein, we are unable to grant anticipatory bail to the petitioners”

4. In view thereof, there has been no change in circumstances. Hence, we are not inclined to grant anticipatory bail to the present petitioners.
5. Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

(Soumen Sen, J.)

(Uday Kumar, J.)