

25.04.2024
Court No.01
Item No. 18

Rejected

sg

CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI

CRM (A) 295 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Ghoksadanga Police Station Case No. 275 of 2022 dated 26.07.2022 under Section 341/325/307/34 of the Indian Penal Code.

And

In Re: **Biman Mandal.**

Petitioner

Mr. Swarup Das

For the Petitioner

Mr. Kallol Acharjee

Mr. Sanjiv Das

For the State

1. In course of hearing, the learned Counsel appearing on behalf of the petitioner submits before this Court that after filing of the charge-sheet, the deceased died on account of natural cause. It is, thus, submitted that considering the changed circumstances, the instant application for anticipatory bail, which has been filed for the second time, may be considered favourably.
2. The learned Counsel for the State, however, opposes the prayer for anticipatory bail.
3. We have minutely gone through the entire materials as placed before this Court. It appears that the instant case started under Section 341/325/307/34 of the Indian Penal Code and was ended in charge-sheet under the aforesaid sections. It further appears that in view of the statement of the victim, the present petitioner has been arrayed as principal assailant by the victim. The subsequent natural death of the victim i.e. after filing of charge-sheet, in our

considered view, cannot be considered as a changed circumstance for entertaining the instant application for anticipatory bail for the second time.

4. In view of such, we are not inclined to exercise our discretion under Section 438 of the Code of Criminal Procedure in favour of the petitioner. Accordingly, the prayer for anticipatory bail is rejected.
5. CRM (A) 295 of 2024 is, thus, dismissed.
6. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J)

(Partha Sarathi Sen, J)