

AD 29
April 7, 2025
Ct. 28

SG

Reject

CRM(A) 1099 of 2025

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with English Bazar P.S. Case No.1723 of 2023 dated 14.10.2023 under Sections 341/323/326A/506/34 of the IPC.

And

In the matter of: *Gour Chandra Ghosh*

... petitioner

Mr. Avinaba Patra
Ms. Pramita Banerjee
Mr. Agnik Maulik

... for the petitioner.

Mr. Debasish Roy, Id. PP
Mr. Arijit Ganguly
Mr. Koushik Kundu

... for the State

Learned counsel appearing for the petitioner submits as follows. This is a renewal of application for anticipatory bail. The application for anticipatory bail of the petitioner and his son, the principal accused was rejected on 06.02.2024 by a Division Bench of this Court in CRM(A) 5504 of 2023. Later, based on a statement of the de facto complainant recorded under Section 164 of the Code, the learned Chief Judicial Magistrate, Malda granted bail to the co-accused on 13.06.2025.

Learned counsel for the State strongly opposes the prayer and submits that there are statements of several independent witnesses which clearly point towards the

involvement of the principal accused in the commission of such offence.

Subsequent grant of bail to a co-accused is not a change in circumstance so far as the prayer for anticipatory bail of a co-accused is concerned.

It appears that on 06.02.2024 a Division Bench of this Court turned down the petitioner's prayer for bail after considering the merits of the case. The same has also not been challenged by the petitioner.

In view of the same, the second application for anticipatory bail is rejected as not maintainable.

(Jay Sengupta, J.)

