

05.05.2025
Court No.28
Item No.65
tbsr

CRM (A) 1467 of 2025

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 and Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **M.P. Ghora** P.S. Case No.**128 of 2019** dated **05.07.2019** under Sections **8/12** POCSO Act read with Section 354 of IPC, 1860..

And

In the matter of: **Dipu Kumar Shaw**

....Petitioner.

Mr. Arka Ranjan Bhattacharya
....for the petitioner

Mr. Ayaskanta Ghosh
.....for the de facto complainant

Mr. Arindam Sen
....for the State

Affidavit of service filed on behalf of the petitioner is taken on record.

Learned counsel appearing on behalf of the petitioner submits that during trial the minor victim had turned hostile.

Learned counsel appearing on behalf of the de facto complainant submits that the matter has been settled between the parties and also submits that the minor victim had turned hostile during trial.

Learned counsel appearing on behalf of the State relies on the case diary and opposes the prayer for anticipatory bail. He submits that initially the petitioner was arrested in connection with the present case on 06.07.2019. He was granted bail on 03.08.2019. But, thereafter he absconded. He was again arrested in 2022. He

was granted bail in December, 2022. But, the petitioner has again absconded.

Once a bail is granted to an accused in a criminal proceeding, it is not open to him to pray for anticipatory bail again, after jumping that bail.

This application for anticipatory bail is, therefore, dismissed as not maintainable.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)