

13.05.2025
Sl. No.29
Ct. 28
NB

C.R.M. (A) 1459 of 2025

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Rejinagar PS Case No.145/2024 dated 11.06.2024 under Sections 363/365/376/34 of the Indian Penal Code.

And

In the matter of : Khandekar Rafikul Alam @ Sakil & Ors.
... petitioners

Mr. Kallol Kr. Basu,
Md. Jannat ul Firdous.
...for the petitioners.

Mr. Sanjoy Bardhan,
Mr. Tirthankar Dhali.
...for the State.

Mr. Sandipan Maity
...for the de facto complainant.

Vakalatnama filed on behalf of the de facto complainant is taken on record.

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioners submits that while this is the first application for anticipatory bail for the petitioner no.1, for the petitioners no.2 and 3, this is the second application. The same is being filed as charge sheet has presently been submitted.

Upon query, it is intimated on behalf of the parties that no provision as contained in the FIR has been omitted in the charge sheet.

Filing of a report in final form is a normal consequence of the initiation of a criminal proceeding. This is not a material change in circumstance, which would entail an accused to file a second application for anticipatory bail.

Accordingly, the second application for anticipatory bail of the petitioner nos.2 and 3 is rejected as being not maintainable.

Considering the incriminating materials available in the case diary including the statement of the 12 years old victim girl and the fact that proclamation has already been issued against the petitioner no.1, the application for anticipatory bail of the petitioner no.1 also stands rejected.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)