

21.05.2025

Item No.DL44
Court No. 28
Asraf, AR(Ct.)

REJECTED

In the High Court at Calcutta
Criminal Miscellaneous Jurisdiction
Appellate Side

Case No. **CRM (A) 1677 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 filed in connection with Jagaddal Police Station case no.229 of 2024 dated 29.06.2024 under Sections 448, 323, 325 and 302 read with Section 34 of the Indian Penal Code, 1860.*

-AND-

In the matter of :

ANIL RAJAK alias ANIL KUMAR RAJAK

.....Petitioner

For the Petitioner :

Mr. Sourov Mondal
Mr. Subhajit Chowdhury
Mr. Arijit Bhuiya
Mr. Rony Mondal

.....Advocates

For the State :

Mr. Sandip Chakraborty
Ms. Puja Goswami

.....Advocates

Learned counsel appearing on behalf of the petitioner submits that a second application for anticipatory bail has been filed in view of the fact that chargesheet submitted only under Section 304 of the Indian Penal Code, 1860 instead of under Section 302 which was there in the FIR. Moreover, a co-accused was granted anticipatory bail by this Court after submission of chargesheet.

In view of the above, I find that the second application for anticipatory bail is maintainable in view of the material changes in circumstances.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail.

While the victim was admitted in hospital, he might have contracted an infection. Although the immediate cause of death might have been bronchopneumonia, it appears that the accused had inflicted injuries on the victim.

Considering the statement of eye-witnesses pointing towards the role played by the present petitioner and the injury report contained at page 52 of the case diary showing infliction of fracture injury, I do not think that this is a fit case for granting anticipatory bail to the present petitioner.

Accordingly, the application for anticipatory bail being **CRM(A) 1677 of 2025** is **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.)