

30.06.2025
Court No.28
Item No. 26
tbsr
Rejected

CRM (A) 1694 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 438 of the Code of Criminal Procedure) in connection with **Deganga** P.S. Case No.**350 of 2024** dated **10.06.2024** under Sections **341/326/307/34** of the Indian Penal Code, read with Section 3/4 of the Explosive Substances Act.

And

In the matter of: **Saheb Ali**

....Petitioner.

Mr. Angshuman Chakraborty
...for the petitioner.

Mr. Sardar Shahin Imam
Mr. Prakash Mishra
.....for the State.

Md. Younish Mondal
....for the de facto complainant.

Learned counsel for the petitioner submits that is a second application for anticipatory bail. The first prayer was turned down in September, 2024 in CRM (A) 3254 of 2024. However, in February, 2025 the petitioner was diagnosed with colorectal cancer and is presently undergoing treatment.

Learned counsel for the State submits that the petitioner is the prime accused in this case. He is the one who had stabbed the victim on his neck. Moreover, detection of an ailment at a later stage would not change in circumstance which will render a second application for anticipatory bail maintainable.

Considering the nature of allegations and the materials available in the case diary and the role ascribed to the present petitioner, this is not a fit case for granting anticipatory bail, even if a second

application is found maintainable on the ground of detection of serious ailment.

Accordingly, the prayer for anticipatory bail is rejected.

However, in the changed circumstances, if the petitioner surrenders before the trial Court, his application for bail shall be considered in accordance with law and the documents regarding his medical condition shall also be considered in this regard and an appropriate order may be passed.

With these observations, the application for anticipatory bail is disposed of.

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

(Jay Sengupta, J.)