

22.05.2025
Court No.28
Item No. 47
tbsr
Rejected

CRM (A) 1722 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Panchala** P.S. Case No.**46 of 2025** dated **11.02.2025** under Sections **64/77/351** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: **Sk. Najir Hossain @ Sk. Nazir**

....Petitioner.

Mr. Soumajit Das Mahapatra
Mr. Syed Uj Jaman
Mr. M. Khan

...for the petitioner.

Mr. Sandip Chakraborty
Mrs. Rituparna Saha
.....for the State.

Mr. Ali Ahsan Alamgir
Ms. Soma Mal
Ms. Rabia Khatoon
Mr. J. Modak

....for the de facto complainant

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

Learned counsel appearing on behalf of the petitioner submits as follows. There are materials changes in circumstances in which the present application has been filed seeking anticipatory bail for the second time. First, a charge sheet has been submitted although without omitting any provision contained in the FIR. Secondly, subsequently on 07.05.2025 an affidavit has been made by *the de facto* complainant before the learned trial Court that she would not have any objection if bail was granted to the petitioner.

Learned counsel appearing on behalf of the de facto complainant submits that upon instructions that the de facto complainant does not have any objection if bail is granted to the petitioner.

Heard the learned counsel for the State.

First, submission of charge sheet without omitting any provision as contained in the FIR is a not material change in circumstance. It is a natural consequence of the initiation of a criminal proceeding.

Secondly, it was open to the *de facto* complainant to have granted such no-objection at the time of consideration of the first application for anticipatory bail. A report regarding service of notice on the de-facto complainant was kept on record in the earlier application. A subsequent no-objection to bail purportedly granted by the *de facto* complainant is hardly a material change in circumstance so far as the issue of grant of anticipatory bail is concerned.

For the aforesaid reasons, I do not find that there is any material change circumstance so as to entertain a second application of anticipatory bail.

Accordingly, the second application for anticipatory bail without any change in circumstance is rejected as not maintainable.

There shall, however, be no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Jay Sengupta, J.)