

14.08.2025
Sl. No.37
NB

C.R.M. (A) 2625 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.

And

In the matter of: Bapi Ghosh & Anr. ... petitioners

Mr. Musharraf Alam Sk.
...for the petitioners.

Ms. Zareen N. Khan,
Md. Yaser Ali.
...for the State.

Learned counsel appearing on behalf of the petitioners submits that the present application is a second application for anticipatory bail upon certain changes in circumstances. Although the FIR was registered under Sections 326, 307 and 302 read with Section 34 of the Penal Code, the charge sheet has only been submitted under Section 302 read with Section 34 of the Penal Code along with Arms Act.

It appears that higher provision of murder imputed in the FIR has not been altered or removed from the charge sheet. Therefore, there is no material or substantial change in circumstance so as to entertain a second application for anticipatory bail.

Accordingly, the second application for anticipatory bail filed without there being any substantial change in circumstance is dismissed as not maintainable.

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.)