

16/09/2025
D/L 37
Ct. No.28
S.Kundu

C.R.M.(A) 2943 of 2025

In Re:- An application for anticipatory bail under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023/under Section 438 of the Code of Criminal Procedure.

In the matter of: **Khokhan Sk @ Khokhan Shaikh & Ors.**

... Petitioners

Ms. Karabi Roy

...for the petitioners.

Mr. Bitasok Banerjee

Mr. Shareque Haque

...for the State.

1. Heard the learned counsels for the parties.
2. It appears that the prior application for anticipatory bail was dismissed as withdrawn on 8.8.2025 in CRM (A) 2737 of 2025.
3. When an application is dismissed as withdrawn, it is not clear whether the same was not pressed because the learned counsel for the petitioners thought that the Court was going to dismiss it or otherwise.
4. Therefore, a surer test would be to consider whether liberty was granted to move the same application afresh or not.
5. As no liberty was granted to move the matter afresh, the dismissal of anticipatory bail would be taken as dismissal of the first application for anticipatory bail before this Court.

6. There is no substantial change of circumstances to entertain a second application for anticipatory bail.
7. Therefore, the second application for anticipatory bail without any substantial change in circumstances is dismissed as not maintainable.

(Jay Sengupta, J.)