

17.09.2025
Sl. No.43
NB

CRM (A) 2973 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 in connection with English Bazar P.S. Case No.1829/2024 dated 11.12.2024 under Sections 351(2) of the Bharatiya Nyaya Sanhita read with Section 6/17 of Protection of Children from Sexual Offences Act, 2012.

And

In the matter of: Priyanka Goswami

... petitioner

Mr. Satadru Lahiri,
Mr. Saikat Debnath.
...for the petitioner.

Mr. Sandip Chakraborty,
Ms. Sudeshna Das.
...for the State.

Mr. Nirupam Dhali
...for the de facto complainant.

Learned counsel appearing on behalf of the petitioner submits as follows. Although an earlier application filed by the present petitioner praying for anticipatory bail in *CRM (A) 911 of 2025* was dismissed as not pressed after quite a few days of hearing, a second application would be maintainable without there being any material change in circumstance as the first application was not decided on merits.

Learned counsel appearing on behalf of the State vehemently opposes the prayer for anticipatory bail and submits that this is a second application without any substantial change in circumstances. No liberty was granted to move the second application.

Learned counsel appearing on behalf of the de facto complainant also opposes the prayer for anticipatory bail.

When an application filed before this Court is dismissed as withdrawn, it is difficult to make out whether the same was done because the learned counsel for the petitioner thought that the Court was about to dismiss the application or otherwise. A surer test is to see whether a liberty was granted by the Court to move an application afresh at the time of dismissal upon withdrawal.

Here, no such liberty was granted during the first rejection for moving an application afresh.

Therefore, it is quite abundantly clear that the present application is indeed a second application for anticipatory bail preferred by the same petitioner without there being any substantial change in circumstance. Hence, the same is not maintainable.

The application for anticipatory bail being **CRM (A) 2973 of 2025** is, thus, 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.)