

14/11/2025
D/L – 25
Court No.28
S. Kundu

C.R.M.(A) 3391 of 2025

In Re: An application for anticipatory bail under Section 482 of the BNSS, 2023.

In the matter of: Viplov Prasad

...Petitioner.

Mr. Milon Mukherjee
Mr. Smarjit Sarkar
Ms. Ritu Das

...for the petitioner.

Mr. Abhinaba Dan
Mr. Aditya Tiwari
Mr. Deepak Kumar
Mr. Mayukh Majumder

...for the de-facto complainant.

Ms. Sonali Das
Mr. Sarthak Mondal

...for the State.

1. Learned senior counsel appearing on behalf of the petitioner submits that this is a second application for anticipatory bail. The change in circumstance is the passing of a judgment by the Hon'ble Allahabad High Court which was subsequently affirmed by the Hon'ble Apex Court. According to the judgment, once a case is started under Section 498A of the Penal Code, certain steps are to be taken before arresting the accused.
2. Learned counsel appearing on behalf of the de-facto complainant opposes the prayer for anticipatory bail.
3. Learned counsel appearing on behalf of the State also opposes the prayer for anticipatory bail and submits that a second application for anticipatory bail without any

material or substantial change in circumstance is not entertainable. The petitioner has remained absconding since long.

4. It appears that the application for anticipatory bail of the petitioner was rejected at the stage of the investigation. Afterwards, a charge-sheet was submitted on the same provisions as contained in the FIR, so far as the present petitioner is concerned. Therefore, there is no material or substantial change in circumstance to entertain a second application for anticipatory bail.
5. It appears that in ***Mukesh Bansal versus State of U.P & Anr., 2022 SCC Online 395***, the Allahabad High Court passed certain guidelines in relation to purported nailing of husband and others in-laws by general and sweeping allegations and on the constitution of Family Welfare Committees and the like. Those directions were presumably meant for the State of Uttar Pradesh.
6. When this came up before the Hon'ble Apex Court in ***Shivangi Bansal versus Sahib Bansal in T.P(Crl.) 631 to 633 of 2023***, the above guidelines were approved and it was, inter alia, recorded that the matter was settled between the private parties and by invoking Article 142 of the Constitution of India, the marriage was dissolved.
7. The above facts are totally distinguishable in the instant case.

8. On the contrary, here the petitioner who is the husband had remained absconding for a long time and there are incriminating materials available in the case diary.
9. The Division Benches of this Court had earlier taken note of the assault committed by the petitioner upon the de-facto complainant.
10. As such, there is no substantial change of circumstance here.
11. Therefore, going by the settled principle that a second application for anticipatory bail is not permissible without any substantial or material change in circumstance, the present application for anticipatory bail is dismissed as not maintainable.
12. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)