

22/05/2026
D/L – 31
Court No.28
S. Kundu
Rejected

C.R.M.(A) 1455 of 2026

In Re: An application for anticipatory bail under Section 482 of the BNSS, 2023. In connection with Baishnabnagar P.S case no. 927 of 2022 dated 23/10/2022 under sections 449/341/302/34 of the IPC.

In the matter of: Binoy Mandal

...Petitioner.

Mr. M.H. Chowdhury

...for the petitioner.

Mr. Koustav Lal Mukherjee

...amicus.

1. Learned counsel appearing on behalf of the petitioner submits as follows. This is a second application for anticipatory bail. The first one was rejected when the charge sheet was filed. Now, the trial is nearly at the end and the witnesses who had purportedly implicated the present petitioner have turned hostile.
2. Learned Amicus assisting the State relies on the case diary and vehemently opposes the prayer for anticipatory bail. He submits that there is no material change in circumstance to warrant entertaining of a second application for anticipatory bail. Conducting of trial is a natural consequence of submission of a charge sheet in a criminal proceeding. This cannot be taken as a material change in circumstance. The entire evidence in a trial has to be read as a whole and one cannot be swayed by turning hostile of a few witnesses. In any event, the

petitioner cannot take advantage of his own wrong of evading the due process of law and not submitting to the Court's jurisdiction and then trying his luck again once, according to him, it is found that there may be some evidence adduced that might favour him. Warrant, proclamation and attachment have already been issued against the petitioner.

3. It is unfortunate that the petitioner was able to evade arrest for so long. He did not submit to the jurisdiction of the Court since 2022. Even proclamation and attachment have already been issued against the petitioner.
4. Considering the above, the other incriminating materials available in the case diary, the fact that the petitioner has remain absconding since 2022 and that the present second application for anticipatory bail has been without there being any material change in circumstance, the same is dismissed as not maintainable.
5. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)