

06.02.2026
Ct. No. 28
Sl. No.13
akd

C. R. M. (A) 4419 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 18.12.2025 in connection with Kultali Police Station Case No. 51 of 2019 dated 21.01.2019 under Sections 376D/306 of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In Re: ***Sariful Laskar @ Moyna***

... .. Petitioner

Sk. Samirul Haque
Mr. Subhankar Halder

... .. for the petitioner

Mr. Raunak Shaw

... .. for the de-facto complainant

Ms. Shaila Afrin
Ms. Jonaki Saha

... .. for the State

1. Learned counsel appearing on behalf of the petitioner submits as follows. This is a second application for anticipatory bail. The change in circumstance for which the present application is being filed for the second time is that after a co-accused was granted anticipatory bail by this Court, the same was challenged by the State before the Hon'ble Supreme Court. The Hon'ble Supreme Court rejected the Special Leave Petition (SLP).

2. Learned counsel appearing on behalf of the de-facto complainant strongly opposes the prayer for anticipatory bail. He submits that the earlier application for anticipatory bail of the petitioner was rejected by this Court on merits. Therefore, if the petitioner was aggrieved by the said order, he ought to have challenged the same before the Hon'ble Supreme Court. A second application for anticipatory bail would not lie.

3. Learned counsel appearing on behalf of the State also opposes the second application for anticipatory bail. She submits that it is not

maintainable as it is a second application without any substantial change in circumstance.

4. Earlier an anticipatory bail application was rejected on merits. It was alleged that one Kalo @ Tahajul Laskar and three or four others had committed gang rape upon a fourteen years old minor girl and thereafter confined her for the entire night at a place. After that the minor victim returned and immediately committed suicide. The FIR which only sets the criminal law in motion filed by the mother of the victim could name only the prime accused, but the presence and role of the other accused were clearly referred to.

5. Moreover, the Hon'ble Apex Court refused to interfere with the Special Leave Petition (SLP) filed by the State because regular bail had already been granted to the petitioner by the jurisdictional court. Such refusal was not on merits at all.

6. The allegations in the present case are gruesome and there are incriminating materials available in the case diary.

7. It appears that a co-accused was granted anticipatory bail by this Court. Afterwards he was reportedly granted bail by the concerned jurisdictional court. It was on such premise that the Hon'ble Apex Court refused to entertain an application challenging the order of grant of anticipatory bail.

8. Hence, this cannot be taken as a substantial change in circumstance so as to entertain a second application for anticipatory bail.

9. The first application for anticipatory bail of the petitioner was heard on merits and thereafter, dismissed.

10. Therefore, I do not find any reason to entertain a second application for anticipatory bail without there being any material or substantial change in circumstance.

11. Accordingly, the application for anticipatory bail is dismissed as not maintainable.
12. Urgent Photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all formalities.

(Jay Sengupta, J.)