

19.03.2026
Sl. No.20
Ct. 06
NB

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction

C.R.M (A) 164 of 2026

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.

And

In the matter of: Mithu Barman @ Madan Chandra Barman
... petitioner

Mr. Sudip Guha Roy,
Mr. Ananda Paul.
...for the petitioner.

Mr. Aditi Shankar Chakraborty,
Mr. Ujjwal Luksom.
....for the State.

Report filed on behalf of the State is taken on record.

It appears from the report that the present petitioner, Madan Chandra Barman is the same person as Mithu Barman, as recorded in the FIR.

It is submitted on behalf of the petitioner that the petitioner was granted anticipatory bail by the learned Sessions Court on 04.06.2024 in Bail Petition No.749 of 2024. Subsequently, a charge sheet was submitted. As the name appearing in the charge sheet was Mithu Barman and not Madan Chandra Barman, the petitioner became apprehensive and decided to move another application for anticipatory bail. But, the same was rejected by the learned Sessions Court on 26.06.2025. The petitioner prays for anticipatory bail before this Court.

Heard the learned counsel for the State.

Once the petitioner was allowed the relief of anticipatory bail, he cannot again pray for anticipatory bail. In fact, the petitioner had prayed for anticipatory bail for the second time before the learned Sessions Court under misconception of law. The said order of rejection would thus be non est in the eye of law.

The petitioner shall be at liberty to place his case before the concerned Court and pray for appropriate relief.

No further order need be passed in the instant application for anticipatory bail.

With these observations and directions, the application for anticipatory bail is accordingly disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)