

Cr. Misc. Case No. 424/2026
CNR No. WBHW0100 1133 2026
Present: Sri Mainak Dasgupta
Sessions Judge, In-charge, Howrah.
J.O. Code – WB01070

Order No.04 dated 24.03.2026.

The application u/S.482 BNSS arising out of Howrah P.S. Case No. 357 of 2025 dated 16.08.2025 u/Ss. 123/318(2)/69 of B.N.S., filed by the accused/petitioner namely, Bikash Kumar Ray @ Vikash Kymar Ray @ Bikash Ray, is taken up for hearing.

The petitioner has stated on affidavit that no application has been filed or rejected before or by the Hon'ble High Court till date.

Heard Ld. Advocate for the accused/petitioner who submitted that the relation between the de facto complainant and the petitioner was entirely consensual and for which the petitioner should be granted the relief as prayed for. Ld. Advocate for the petitioner has relied upon the judgment cited in 2025 (4) AICLR 539 (SC) and 2025(4) AICLR 562 (DEL). With such submissions, Ld Advocate for the accused/petitioner asserted the prayer for anticipatory bail.

Ld.P.P. has raised objections and submitted that this Court had rejected a prayer for anticipatory bail of such petitioner on 23.09.2025 and mere submission of the charge sheet cannot be regarded as a change in circumstance allowing the petitioner to prefer a second application for anticipatory bail.

Perused the TCR and CD.

Considered the submission made by the Ld. Advocate for the accused/petitioner and the Ld Public Prosecutor.

On perusal of the order passed by this Court on 23.09.2025 it would appear that this Court had rejected the prayer for anticipatory bail by taking into consideration the nature of allegation and the statement of the victim. Such two grounds exist even after submission of the charge sheet. Furthermore, the allegation stands fortified further to submission of the charge sheet.

Ld. Advocate for the de facto complainant is also present and has raised objections to the prayer for anticipatory bail.

As regards the question whether mere submission of a charge sheet can be regarded as a change in circumstance enabling the petitioner to file a second application for anticipatory bail, I find it proper to rely upon the judgment passed by the Hon'ble Supreme Court of India in the case of Virupakshappa Gouda Vs. State of Karnataka and Another and cited in (2017) 5 SCC 406 and wherein it was held that "needless to say, filing of the charge sheet does not in any manner lessen the allegation made by the prosecution. On the contrary, filing of the charge sheet establishes that after due investigation, the investigating agency having found materials has placed the charge sheet for trial of the accused persons."

Therefore, mere submission of the charge sheet does not entitle the petitioner to file a second application for anticipatory bail. Furthermore, the judgement cited in 2025 (4) AICLR 539 (SC) does not aid the petitioner as it appears that the question as to whether successive anticipatory bail application can be filed in the same Court was not dealt with.

Hence, the prayer for anticipatory bail of the petitioner stands rejected.

LCR and CD be returned.

The criminal misc case is disposed of.

The order be uploaded in the CIS without delay.

Dictated & corrected by me

S. J.

Sessions Judge, In-charge, Howrah