

919 26.11.2021
(AD)
Court No.29

**C.R.M. 683 of 2021
(Via Video Conference)**

(Dismissed)

In Re: - An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure.

And

In the matter of: - Mukund Mohan

...petitioner.

Mr. Debangana Bhattacharjee
Ms. Amrin Khatoon

...for the petitioner.

Mr. Tanmay Kumar Ghosh
Mr. Nirupam Dhali

... for the State.

Mr. Kishwar Rahaman
Mr. Rohit Das

... for the opposite party no.2.

Petitioner seeks cancellation of the anticipatory bail granted in favour of the opposite party no.2 (Rashmi Jha).

Two grounds canvassed in the Court for cancellation. One is that the opposite party no.2 did not comply with the order directing deposit of the passport and the other is that there is a fresh police complaint against the opposite party no.2 in the State of Bihar.

Learned Advocate appearing for the opposite party no.2 submits that the opposite party no.2 did not and still does not possess any passport to be deposited in terms of the order. He submits that the opposite party no.2 filed an affidavit before the jurisdictional Court bringing such fact on record *albeit* with delay.

Considering the fact that the opposite party no.2 did not have the passport and filed an affidavit to such effect before the jurisdictional Court, we find no substance in the first ground urged

on behalf of the petitioner for cancellation of the bail. So far as the other ground is concerned, that is, the subsequent police complaint, no doubt such police complaint will take its own course. Therefore, we are unable to cancel the bail granted to the opposite party no.2.

Accordingly **C.R.M. 683 of 2021** is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)