

(Through Video Conference)

IA No. CRAN 1 of 2021
in
CRM 5455 of 2021

In the matter of : **Md. Raja alias Jang Raja & Ors.**

... ..Petitioners

Mr. Angshuman Chakraborty, Advocate

Mr. Shashanka Sekhar Saha, Advocate

... .. For the Petitioners

Mr. Saswata Gopal Mukherjee, Id. PP

Mr. Madhusudan Sur, Id. APP

Mr. Manoranjan Mahata, Advocate

... .. For the State

In re : IA No. CRAN 1 of 2021

By this application, the State seeks cancellation of the bail granted in favour of the opposite parties.

Affidavit called for by the earlier order filed in Court be taken on record.

On November 9, 2021, an order was passed by the High Court granting bail in favour of the opposite parties. On such date, the opposite party no. 3 filed a petition for grant of bail before the jurisdictional Court which such prayer was rejected. The petitioner did not bring such fact to the notice of the Court on November 9, 2021.

Learned Advocate appearing for the opposite parties submits that the opposite parties filed an application for grant of bail three months prior to November 9, 2021. On November 9, 2021, the learned counsel appearing for the opposite parties were not aware that the opposite party no. 3 filed an application for grant of bail before the jurisdictional Court. Therefore, the High Court was not apprised on such fact.

Whatever may be the justification for conduct of the learned counsel for the opposite parties, the opposite party no. 3 no doubt filed an application for grant of bail before the jurisdictional Court on November 9, 2021 and the same was rejected. Opposite parties were obliged to bring such fact to the notice of the High Court when

they were pressing the application for grant of bail filed three months earlier, before the High Court. The opposite parties not doing so, it must be said that the opposite parties were guilty of suppression of material fact before the High Court.

In such circumstances, we are of the view that the bail granted on November, 9, 2021 needs to be cancelled.

That apart, learned Advocate appearing for the opposite parties draws the attention of the Court numerous criminal cases as against the opposite parties.

There are criminal antecedents of the opposite parties as appearing from the chart which the learned Advocate for the State relies upon.

In such circumstances, we are of the view that the bail granted on November 9, 2021 needs to be cancelled and the same is accordingly cancelled.

Opposite parties will surrender forthwith before the jurisdictional Court.

IA No. CRAN 1 of 2021 is accordingly disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)