

01.04.2022
Sl.66 & 94
Court No.29
SD/Saswata

C.R.M. (A) 476 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Tehatta** P. S. Case No. **626** of **2021** dated **24.11.2021** under Sections **448/325/326/354/307/34** of the Indian Penal Code.

And

In the matter of: Narayan Das & Ors.

....petitioners.

With
C.R.M. (DB) 829 of 2022

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

And

In the matter of : Dilip Das

... petitioner.

Mr. Sankar Paul

... for the petitioners.
(in CRM (A) 476 of 2022)

Mr. Atis Kumar Biswas

Mr. Amit Singh

Ms. Jyoti Agarwal

...for the De facto.

Mr. Imran Ali

Ms. Sujata Das

...for the State.

Three petitions are taken up for consideration analogously as they arise out of same police station case.

CRM (A) 476 of 2022 is an application for anticipatory bail.

CRM (DB) 829 of 2022 is an application for cancellation of the anticipatory bail granted to the petitioners in CRM (A) 1001 of 2022.

The petitioners in CRM (A) 476 of 2022 and CRM (A) 1001 of 2022 are the same. They filed two applications for anticipatory bail. Their second application being CRM (A) 1001 of 2022 was allowed on February 28, 2022.

When they applied for obtaining an order for anticipatory bail being CRM (A) 1001 of 2022, the petitioners did not advert to the earlier application for anticipatory bail being CRM (A) 476 of 2022. The petitioners were, therefore, guilty of suppression of material facts before this Hon'ble Court.

They obtained an order of anticipatory bail by suppressing material facts. The order granting anticipatory bail to the petitioners, therefore, needs to be recalled.

In such circumstances, CRM (DB) 829 of 2022 is allowed. The order dated February 28, 2022 passed in CRM (A) 1001 of 2022 is recalled.

CRM (A) 1001 of 2022 and CRM (A) 476 of 2022 are taken up for consideration.

Considering the gravity of the offence and the involvement of the petitioners therein and considering the conduct of the petitioner in Court in the manner as noted above, the requirement of custodial interrogation of the petitioners cannot ruled out.

Consequently, we are unable to grant anticipatory bail to the petitioners.

Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

C.R.M. (A) 476 of 2022 and CRM (A) 1001 of 2022 are, thus dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)