

69 21.03.2022
(AD)

Court No.29

C.R.M. 1138 of 2021

In Re: - An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure, 1973.

And

In the matter of: - Smt. Subhra Halder @ Mondal
...petitioner.

Mr. D. Chatterjee
Mr. Asit Nayak
... for the petitioner.

Ms. Anasuya Sinha
Mr. Pinak Kumar Mitra
... for the State.

Mr. Ranajoy Chatterjee
Mr. Soumik Bera
Ms. Shaista Afreen
Ms. Sana Naaz
... for the opposite party no.2.

Petitioner seeks cancellation of bail granted by the learned Sessions Judge, by the order dated October 5, 2020 passed in Criminal Misc. Case No.3486 of 2020.

Learned Advocate appearing for the petitioner submits that the private opposite party obtained bail by misleading the Court. He submits that the prayer for anticipatory bail was rejected initially on February 18, 2020 and thereafter on August 4, 2020. The private opposite party suppressed the two earlier orders of rejections and obtained the order for anticipatory bail dated October 5, 2020 on the statement that the private opposite party never filed an application under Section 438 of the Code of Criminal Procedure either before the Hon'ble High Court or that no such application was earlier rejected.

Learned Advocate appearing for the State submits that there

were three earlier orders of rejection of the prayer for anticipatory bail. The private opposite party suppressed the fact before the jurisdictional Court while obtaining the order for bail.

Learned Advocate appearing for the private opposite party submits that the private opposite party is a rickshaw puller without the ability to influence any witnesses. The private opposite party was not aware of the earlier orders of rejection.

The record depicts that there were three earlier orders of rejection which were suppressed before the Court passing the order dated October 5, 2020.

It would be presumptuous to assume that the private opposite party lacked knowledge of those three earlier orders of rejection of prayer for anticipatory bail. The Court is informed that the police submitted charge sheet.

In such circumstances, it would be appropriate to cancel the order of grant of anticipatory bail dated October 5, 2020 as modified on November 4, 2020.

In the event, the private opposite party does not surrender before the jurisdictional Court within seven days from date, the jurisdictional Court is at liberty to take appropriate steps against the private opposite party.

Accordingly, the prayer for cancellation of bail is allowed.

C.R.M. 1138 of 2021 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)