

27.06.2022
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Ct. No. 29
KAUSHIK
DISMISSED

C.R.M. (DB) 881 of 2022

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

And

In Re : Rafiza Bibi @ Rafija Bibi

..... petitioner

Mr. Angsuman Chakraborty

....for the petitioner

Mr. Aniket Mitra

Sk. Sahjahan Ali

....for the O.P. Nos. 2 to 14

Ms. Zareen N. Khan

Mr. Ashok Das

....for the State

Affidavits filed in Court be taken on record.

Petitioner prays for cancellation of the anticipatory bail granted by the Jurisdictional Court by Order No. 2 dated February 24, 2022 passed in Criminal Misc. Case No. 759 of 2022.

Learned advocate appearing for the petitioner submits that, the private opposite parties are guilty of post-bail misconduct. Moreover, the learned Judge failed to take into account the relevant materials in the case diary while enlarging the private opposite parties on anticipatory bail.

State and the private opposite parties are represented.

It appears that, there is a development agreement between the private parties.

The Court is informed that the police filed charge-sheet inter alia under Section 354 of the Indian Penal Code after conducting an investigation inter alia under Section 376 of the Indian Penal Code.

The learned Judge considered the materials in the case diary, the complaint which was lodged through a proceeding under Section 156(3) of the Code of Criminal Procedure (Cr.P.C.) as also the statement of various witnesses recorded under Section 161 Cr.P.C. The learned Judge thereafter, proceeded to grant anticipatory bail to the private opposite party.

The existence of a development agreement between the private parties cannot be disputed. The police filed charge-sheet inter alia under Section 354 of the Indian Penal Code after conducting an investigation inter alia under Section 376 of the Indian Penal Code. The possibility of the private opposite parties being made accused in criminal case due to the civil disputes cannot be ruled out at this stage. Therefore, we find no material irregularity in the impugned order warranting our interference.

So far as the post bail misconduct is concerned, the petitioner is unable to establish the same against any of the private opposite parties with cogent evidence.

In such circumstances, CRM (DB) 881 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)