

24.06.2022

Serial no.61

Dd

CRM (DB) 896 of 2022

In re : An Application under Section 439(2) of the Code of Criminal Procedure, 1973.

-And-

In the matter of : Zeenat Khatoon @ Zeenat Parveen
... ..Petitioner

Mr. Saryati Datta, Advocate
... .. For the Petitioner

Mr. Ranadeb Sengupta, Advocate
... ..For the State

Mr. Jagannath Ganguly, Advocate
... ..For the opposite party nos. 2 to 7

Petitioner prays for cancellation of anticipatory bail granted by the jurisdictional Court by the Order no. 02 dated December 20, 2021.

Learned advocate appearing for the petitioner submits that the petitioner was hospitalized for two days. The petitioner was forcibly made to consume phenyl. The Court did not take into consideration such aspect while granting anticipatory bail. He refers to post bail misconduct and submits that the petitioner was receiving threat calls from the private opposite parties.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary.

Affidavits filed in Court be taken on record.

Learned advocate appearing for the private opposite parties submits that immediately prior to entering into the Courtroom today, he received a call from the petitioner on his mobile phone. He submits that the said call emanated from a number being 6290422522. He submits that the True Caller App

in his mobile discloses that the mobile phone is that of the petitioner. He submits that as an advocate, he received threats of implication in a police complaint since his client obtained a copy from the Tipu Sultan Maszid in respect of the present marriage. He submits that the petitioner actually was a divorcee at the time of marriage with the private opposite party no 4, which fact she suppressed at the time of her marriage.

The cancellation of grant of anticipatory bail is being sought for on two grounds.

The first ground is that the materials on record did not warrant grant of the same.

The case diary is perused.

In the case diary, there are medical evidences of the petitioner suffering from indigestion of corrosive materials. That the indigestion was involuntary is not corroborated by the medical documents. The petitioner underwent hospitalization for two days.

The learned Judge took into account the materials in the case diary. He considered the period of hospitalization of the petitioner to be few hours while, in fact, it was of two days. Such factual error, in our view, does not vitiate the order granting anticipatory bail.

So far as the post bail misconduct is concerned, it is yet to be established conclusively that the private opposite parties is guilty and held out the threats. The WhatsApp message sought to be relied in the affidavit-in-reply does not provide any date or time so as to arrive at a finding that the same were generated post the grant of anticipatory bail.

In such circumstances, we find no ground to interfere with the order granting anticipatory bail dated December 20, 2021.

CRM (DB) 896 of 2022 is accordingly, dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)