

24.08.2022
Serial no.50

Aloke

CRM (DB) 2095 of 2022

In re : An Application under Section 439(2) of the Code of Criminal Procedure read with Section 482 of the Code of Criminal Procedure .

-And-

In the matter of : **The State of West Bengal**

... .. Petitioner

Mr. Swapan Banerjee
Mr. Suman De

... .. For the Petitioner

Mr. Rabiul Islam
Mr. Raju Mandal

... .. For the opposite party

Affidavits filed in Court be taken on record.

State seeks cancellation of the anticipatory bail granted in favour of the private opposite party on February 22, 2022.

Learned Advocate for the State-petitioner submits that the police received a fresh complaint as against the private opposite party. A police case being Chittaranjan P. S. Case No.11 of 2022 under Section 354A/354C/354D of the Indian Penal Code, 1860 was registered.

The learned Advocate appearing for the private opposite party submits that the private opposite party surrendered before the jurisdictional Court and obtained bail in respect of such police case.

Learned Advocate appearing for the private opposite party submits that the private opposite party also lodged a complaint being Chittaranjan P.S. Case No.10 of 2022 dated March 13, 2022, inter alia, under Section 341/323/325/506 /34 of the Indian Penal Code, 1860 against the de facto complainant in the present police case.

Apparently, there are disputes between the private parties. There are number of police cases filed against each other.

We are not in a position to return a conclusive finding that the private opposite party is guilty of violation of any of the condition granting anticipatory bail.

In such circumstances, we are unable to cancel the anticipatory bail granted in favour of the private opposite party on February 22, 2022 passed in CRM (A) 870 of 2022.

CRM (DB) 2095 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)