

03.01.2022

Serial no. 62

Dd

(Through Video Conference)

CRM 5932 of 2021

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

-And-

In the matter of : Mst. Ferdousi Begam

Vs.

The State of West Bengal & Ors.

Mr. Asif Dewan, Advocate

... .. For the Petitioner

Mr. Prasun Kr. Dutta,

Mr. N. Dhali, Advocates

... ..For the State

Mr. Manas Kr. Das, advocate

... ..For the opposite party nos. 2 to 9

Petitioner seeks cancellation of the anticipatory bail granted by the jurisdictional Court by the order no. 2 dated February 25, 2021. Learned advocate appearing for the petitioner submits that the jurisdictional Court returned a finding that there was no material allegation under Section 313 of the Indian Penal Code against the accused. He submits that the police subsequently filed charge sheet, inter alia, under Section 313 of the IPC. Consequently, the anticipatory bail granted on February 25, 2021 should be cancelled.

State and the opposite party no. 2 to 9 are represented.

Learned advocate appearing for the State submits that on investigations, the police found materials to charge sheet the accused, inter alia, under Section 313 of the IPC and, therefore, a charge sheet to such effect was filed before the jurisdictional Court.

The opposite party nos. 2 to 9 were granted anticipatory bail by order no. 2 dated 25th February, 2021. At that material point of time the learned court found no materials under Section 313 of the IPC. The order granting the anticipatory bail cannot be faulted simply because the police on investigations found subsequent materials to charge the accused under Section 313 of the IPC and, therefore, filed a charge sheet to such effect.

Consequently, we are unable to reject the anticipatory bail granted in favour of the opposite party nos. 2 to 9.

CRM 5932 of 2021 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)