

C.R.M. 5991 of 2021

In Re: - An application for cancellation of bail under Section 439(2) read with Section 482 of the Code of Criminal Procedure.

And

In the matter of: - Priya Biswas

...petitioner.

Mr. Sabyasachi Chatterjee
Mr. Shamim Uddin
Mr. Ram Prasad Sardar
Mr. Subhankar Halder
Mr. Sandipan Das

... for the petitioner.

Mr. Neguive Ahmed, Ld. APP
Ms. Trina Mitra

... for the State.

Mr. Soumik Ganguli
Mr. Satyajit Mahato
Mr. Rajib Sinha
Mr. Sourat Nandy
Mr. Soham Bhattacharya

... for the opposite party nos.2 and 3.

Petitioner prays for cancellation of the order dated August 12, 2021 granting anticipatory bail by the learned Sessions Judge, Alipore.

Learned Advocate appearing for the petitioner submits the fact that the proclamation of warrant of arrest was issued as against the private opposite parties was not drawn to the attention of the learned Judge while the anticipatory bail was granted. Moreover, there was an earlier order of rejection, which was not drawn to the notice of the learned Judge. Moreover, learned Judge was not apprised of the orders of the High Court where the High Court returned a finding that the private opposite parties were habitual offenders.

State and the private opposite parties are represented.

Learned Advocate appearing for the State in reply to the query of the Court submits that the police filed charge sheet. She also submits that the trial has commenced.

Anticipatory bail was granted to the private opposite parties on August 12, 2021. On the date when such anticipatory bail was granted the proclamation of warrant of arrest was not executed. Technically, therefore, a petition under Section 438 of the Code of Criminal Procedure was maintainable.

Learned Advocate appearing for the petitioner refers to the post-bail misconduct of the private opposite parties.

There is a complaint to the police dated August 2, 2021.

The petitioner did not take any steps of such complaint.

At this stage, there is no material-on-record to return a finding that there is a post-bail misconduct on the part of the private opposite parties.

There is hardly any material irregularity in the order dated August 12, 2021 for the High Court to intervene with regard to grant of anticipatory bail.

In such circumstances, we find no merit in the present application.

Accordingly, the prayer for cancellation of bail is rejected.

C.R.M. 5991 of 2021 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)