

19.01.2022
tkm/ct 32
sl no. 2

C.R.M. 8535 of 2021
(Via video conference)

In Re : An application under section 438 of the Code of Criminal Procedure in connection with Nakashipara PS Case no. 624 of 2020 dated 7.12.2020 under sections 498A/307/34 of the IPC and added sections 302/304B of the IPC

And

In Re : Tahamina Bibi @ Tahamina Khatun Bibi petitioner

Mr. Amanul Islam
Mr. Sourav Mukherjee
..... for the petitioner

Mr. Arijit Ganguly
Ms. Sujata Das
..... for the State

Upon hearing the learned advocates appearing for the parties, we passed an order on 18th January 2022. The said order along with the file was placed for our signature. In the file we found an order passed in an earlier application for anticipatory bail preferred by the petitioner and as such certain clarifications were required. In view thereof, without signing the order, verbal directive was issued for listing the application once again today.

Mr. Islam, learned advocate submits that inadvertently this court was not informed on 18th January, 2022 that an earlier application for anticipatory bail was preferred by the petitioner and the same was dismissed. He has also not been able to point out any substantial change in the circumstances subsequent to earlier rejection of the petitioner's prayer on 20th September 2021.

In view thereof, the earlier order dated 18th January 2022 is recalled and the present application is dismissed as not maintainable.

As there had been a suppression of material fact, the petitioner is directed to pay a sum of Rs 10,000/- to the Calcutta High Court Legal Services Authority within a week from date.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Ajoy Kumar Mukherjee, J.)

(Tapabrata Chakraborty, J.)