

18.02.2022

Sl. 48
Court No.29
suvayan

CRM 8895 of 2021

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

And

In the matter of: Rafikul Sardar

....petitioner.

Mr. Siddhartha Sarkar

... for the petitioner.

Mr. P. K. Datta

Mr. Santanu Deb Roy

...for the State.

The petitioner is taken up for consideration subsequent to the order of February 3, 2022.

The order sheet in the instant case be corrected. The last order be recorded as "03.02.2022" instead of "03.03.2022". Department will incorporate such correction.

Pursuant to the order dated February 3, 2022, the police served a copy of the application for cancellation of bail upon the private opposite party. Despite receipt of service, the private opposite party is not appearing in this Court.

Learned Advocate appearing for the petitioner submits that the private opposite party obtained anticipatory bail on the basis of making false statements before the Court. He draws the attention of the Court to the order dated November 26, 2021 by which the prayer for anticipatory bail was allowed. He submits that the learned Judge failed to appreciate the gravity of the offence and the involvement of the private opposite party therein. Learned Judge also failed to take into consideration that on two previous occasions, anticipatory bail made on behalf of the private opposite

party were not pressed and, therefore, rejected. The learned Advocate for the private opposite party on November 26, 2021 suppressed such fact and claimed that no bail petition was rejected earlier by the jurisdictional Court.

Learned Advocate appearing for the State draws the attention of the Court to the injury report of the victim.

It appears from the injury report of the victim that the injury is grievous in nature and in fact, it is in the realm of homicidal injury.

It appears from the materials in the case diary including the statement recorded under Section 161 of the Code of Criminal Procedure that the private opposite party was one of the persons who inflicted such injury upon the victim.

Considering the gravity of the offence and the involvement of the private opposite party therein, we cancel the order of anticipatory bail granted in favour of the private opposite party by Order No.2 dated November 26, 2021 of the jurisdictional Court. The private opposite party shall surrender to the custody within a week from date.

Accordingly, CRM 8895 of 2021 is allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)