

59 30.11.2022
(AD) Court No.29
(Dismissed)

C.R.M. (DB) 3087 of 2022

In Re: - An application under Section 439(2) of the Code of Criminal Procedure, 1973.

And

In the matter of: - Rohima Khatun

...petitioner.

Mr. Ramdulal Manna
Ms. Manju Manna (Dey)
Mr. Sayan Mukherjee

... for the petitioner.

Ms. Zareen N. Khan
Mr. Ashok Das

... for the State.

Mr. Rana Mukherjee
Mr. Rhiddhimam Mukherjee
... for the private opposite parties/accuseds.

Petitioner prays for cancellation of the anticipatory bail granted by the order dated August 2, 2022 passed by the learned Sessions Judge, Malda (I.C.) in CrI. Misc. Case No.2391 of 2022.

Learned Advocate appearing for the petitioner submits that the private opposite parties are guilty of post-bail misconduct. She refers to police complaint lodged on August 7, 2022 and the prescription of the doctor dated August 7, 2022. She submits that the de facto complainant was assaulted by the husband and others.

State and the private opposite parties are represented.

Learned Advocate appearing for the State draws the attention of the Court to the injury report of the petitioner in the second police case.

The complaint lodged by the petitioner subsequent to the grant of anticipatory bail is dated August 7, 2022.

In such complaint, she claims that on August 6, 2022 at about 10 P.M. at night, the private opposite parties along with others entered into the paternal home of the petitioner with iron rod, firearms and sharp cutting weapon. Thereafter, the private opposite parties physically assaulted her and her mother.

The injury report of the petitioner of the second police case does not corroborate the claim of the petitioner that she was assaulted. No cut injury was seen. The injury report also states that blunt objects were used.

In such circumstances, we find that there is hardly any material to come to a conclusion that the private opposite parties are guilty of such post-bail misconduct so as to cancel the anticipatory bail granted in favour of the private opposite parties.

C.R.M. (DB) 3087 of 2022 is, therefore, dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

