

50 01.12.2022
(AD) Court No.29
(Dismissed)

C.R.M. (DB) 3848 of 2022

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: - Jahanara Khatun

...petitioner.

Mr. Amit Ranjan Pati

... for the petitioner.

Mr. S.S. Imam

Mr. R. Jana

... for the State.

Mr. Amitabha Karmakar

Mr. Arup Kumar Bhowmick

... for the private opposite parties.

Petitioner prays for cancellation of anticipatory bail granted by the jurisdictional Court on September 3, 2022.

Learned Advocate appearing for the petitioner submits that the petitioner is being threatened with dire consequences for not withdrawing the police complaint. He submits that the jurisdictional Court also did not take into account the fact that the police case involved provisions of Section 313 of the Indian Penal Code.

State and the private opposite parties are represented.

Apparently, the principal accused was arrested and presently is in custody.

The jurisdictional Court while granting order of anticipatory bail on September 3, 2022 considered the case records including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and returned a finding that the materials available in the case diary does not justify custodial interrogation.

We find no perversity in the impugned order warranting interference by the High Court.

Consequently, we are unable to cancel the anticipatory bail granted.

C.R.M. (DB) 3848 of 2022 is, therefore, dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

