

09.06.2022
06
Ct. No. 01
KAUSHIK
DISMISSED

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION**

C.R.M. (DB) 125 of 2022

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

And

In Re : Tumpa Ghosh

..... petitioner

Mr. Arjun Chowdhury

Ms. Pratusha Dutta Chowdhury

Mr. Bikash Singha

....for the petitioner

Mr. Deborshi Dhar

....for the Opposite Party No. 2

Mr. Niloy Chakraborty

Ms. Nomrota Das

....for the State

Affidavit of service filed in Court be taken on record.

Petitioner prays for cancellation of the anticipatory bail
granted by the order dated November 30, 2021 passed in CRM
970 of 2021.

The cancellation petition is at the behest of the first wife
of the accused.

Learned advocate appearing for the petitioner submits
that, the accused misrepresenting the material facts to this
Hon'ble Court while obtaining the order dated November 30,
2021. The accused was married to the petitioner and despite
the same, filed an affidavit which was affirmed on November 22,

2021. He draws the attention of the Court to the contents of such affidavit.

State and the private opposite party are represented.

By an order dated November 30, 2021, the Coordinate Bench was pleased to enlarge the private opposite party on anticipatory bail. There is a supplementary affidavit filed in such application for anticipatory bail, at the behest of the private opposite party, claiming that the private opposite party is in a relationship with the victim lady and that they are living happily.

The Coordinate Bench granted the order of anticipatory bail on November 30, 2021.

The petitioner is unable to establish any post-bail misconduct on the part of the private opposite party. That is not the case of the petitioner.

It is claimed on behalf of the petitioner that the Hon'ble Court was misled.

The question of the Hon'ble Court being misled in passing the order dated November 30, 2021 does not arise, since the private opposite party placed the factum of being in a relationship with a different lady by way of a supplementary affidavit, attention of which was drawn to the Court passing such order.

Consequently, we find no ground to cancel the anticipatory bail granted in favour of the private opposite party in CRM 970 of 2021.

In such circumstances, CRM (DB) 125 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)