

14.03.2023

Serial no.61

Dd

CRM (DB) 807 of 2023

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 : Hosenara Khatoon

... ..Petitioner

Mr. Asimes Goswami,
Ms. Paulomi Banerjee, Advocates
... .. For the Petitioner

Mr. Bidyut Kr. Roy,
Ms. Rita Datta, Advocates
... ..For the State

In assailement is Order no. 2 dated July 26, 2021 passed in learned Sessions Judge, Hooghly granting anticipatory bail to the private opposite party.

Learned advocate appearing for the petitioner submits that, the private opposite party is guilty of post bail misconduct. He submits that the private opposite party is threatening the de facto complainant. He refers to orders passed in the police case where, the private opposite party was not appearing and, therefore, warrant of arrest was issued. He submits that, the de facto complainant is being prevented from approaching the Court to give evidence.

Learned advocate appearing for the State draws the attention of the Court to the materials on record.

By the impugned order, the learned Judge recorded that he went through the materials in the case diary. He found de facto complainant to be a major and a divorcee. He also found that the de facto complainant was having previous marital relationship with other person and after dissolution of

such marriage, she contacted the private opposite party and asked him to marry her. The learned Judge considering the fact that the de facto complainant was a major lady, granted anticipatory bail to the private party.

The allegation of post bail misconduct is yet to be substantiated.

Apparently, the accused persons are not appearing before the learned jurisdictional Court. The jurisdictional Court is taking appropriate steps to secure the presence of the accused persons.

In such circumstances, we find no material irregularity in the impugned order granting anticipatory bail to the private party requiring interference by the High Court.

CRM (DB) 807 of 2023 is, accordingly, dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)