

10.05.2023

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Ct. No. 29
CHC

C.R.M.(DB) 853 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 : Sasta Sundar Health Buddy Limited
..... petitioner

Mr. Sabyasachi Banerjee,
Mr. Abhinav Rakshit
....for the petitioner

Mr. Arijit Ganguly,
Mr. Koushik Kundu
....for the State

Mr. Souma Subhra Ray,
Ms. Susmita Mondal
....for the opposite party no.2

In assaignment is the order no.03, dated February 14, 2023
passed by the learned Sessions Judge-in-Charge, South 24
Parganas, Alipore granting anticipatory bail to the private
opposite party no.2 in Criminal Misc. Case No.308 of 2023.

Learned advocate appearing for the petitioner submits
that the impugned order is vitiated by perversity. He draws the
attention of the Court to the contents of the impugned order. He
submits that learned Judge is of the view that it was incumbent
upon the police to arrest the private opposite party no.2. He
highlights the fact that other co-accused were granted bail after
substantial period of custody. He refers to the contents of the

First Information Report and submits that, the police prayed for further investigation and issuance of Warrant of Proclamation of Arrest as against the private opposite party.

Learned advocate appearing for the State refers to the materials in the case diary.

The private opposite party no.2 is represented.

The private opposite party no.2 was enlarged on anticipatory bail by the impugned order dated February 14, 2023.

While granting anticipatory bail, the learned Sessions Judge considered the allegation of the case as also the approach of the investigating agency and found that there was no reason for custodial interrogation of the private opposite party and proceeded to grant anticipatory bail to the private opposite party.

As noted above, perversity of the impugned order is the ground canvassed in cancellation of the order of anticipatory bail.

The impugned order was passed on February 14, 2023. Charge-sheet was submitted on February 15, 2023. The private opposite party did not surrender till the time when the charge-sheet was submitted. Consequently, the charge-sheet contains the assertion with regard to the private opposite party.

The impugned order contains reasons, albeit sketchy with regard to grant of anticipatory bail to the private opposite party.

Apparently, the private opposite party was not found to be the prime accused.

In such circumstances, we do not find any ground to interfere with the impugned order.

CRM (DB) 853 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)