

04.04.2023

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Ct. No. 29
CHC

C.R.M (A) 1280 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Contai** Police Station Case No. **101 of 2023** dated **08.03.2023** under Sections **448/376/406** of the Indian Penal Code.

And

In the matter of: Barsha Das

..... petitioner

Mr. Tanmoy Chowdhury,
Mr. G. K. Das,
Mr. Kapil Chandra Sahoo
....for the petitioner

Mr. Saibal Bapuli, Ld. A.P.P.
Ms. Sayanti Santra
....for the State

Mr. Akashdeep Mukherjee,
Mr. Pritam Chatterjee,
Mr. Soumyadip Nag,
Ms. S. Das
...for the de facto complainant

The application for anticipatory bail is taken up for consideration subsequent to the order dated March 30, 2023.

The de facto complainant is represented.

An order was passed on March 28, 2023 granting anticipatory bail to the petitioner.

It subsequently came to the knowledge of the State that, prayer for adding Section 3(1)(w)(i) of the Scheduled Tribes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was allowed on March 22, 2023.

The present application for anticipatory bail was affirmed on March 22, 2023 and filed on March 23, 2023.

As on the date of filing of the application for anticipatory bail on March 23, 2023, there subsisted an order passed by the revisional Court allowing addition of Section 3(1)(w)(i) of the Act of 1989.

Such fact was neither drawn to the attention of the Court while granting the prayer for anticipatory bail nor was such fact pleaded in the application for anticipatory bail.

Therefore, we are of the view that relevant fact was not brought to the attention of the Court when the Court proceeded to grant anticipatory bail to the petitioner on March 28, 2023.

Consequently, the order dated March 28, 2023 and all consequential steps taken pursuant thereto stands cancelled.

CRM (A) 1280 of 2023 is disposed of accordingly.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)