

27.04.2023
Serial no.62
Dd

CRM (DB) 1420 of 2023

In re : An Application for cancellation of Bail under Section 439(2) of the Code of Criminal Procedure, 1973.

-And-

In the matter of : Kunti Biswas

... ...Petitioner

Mr. Sukanta Chakraborty,
Mr. Anindya Halder, Advocates
... ... For the Petitioner

Mr. Bidyut Kr. Roy,
Ms. Sima Biswas, Advocates
... ...For the State

Ms. Joyita Roy, Advocate
... ...For the private Opposite parties

An order granting anticipatory bail dated February 14, 2023 passed in Criminal Misc. Case no. 196 of 2023 is under challenge in the present application.

Learned advocate appearing for the petitioner submits that the petitioner obtained an order of injunction in a civil suit being Title Suit no. 17 of 2023 and was acting in terms of such order when the petitioner was assaulted by the private opposite parties. There is an allegation of molestation also. Learned Judge proceeded to grant anticipatory bail on the ground of counter police case. He submits that such ground cannot withstand the judicial scrutiny of the High Court inasmuch as impugned order is perverse.

State and the private opposite parties are represented.

We perused the case diary.

Case diary suggests that one person was injured. Such injury was not classified as grievous hurt. Apparently, the injured suffered cut injury on the left side of the forehead where stitches were done.

The order of civil Court is an ad-interim order of injunction which is capable of being modified, altered or recalled. It is yet to attain finality. The Court is informed that the ad-interim order of injunction still subsists. It is open to the parties to the suit to take appropriate steps with regard to subsisting order of injunction. We are concerned with the gravity of the offence and the involvement of the opposite parties therein. Apparently, the incident of assault resulted in a simple injury suffered by one person.

In such circumstances, we are not minded to interfere with the order granting anticipatory bail to the private opposite parties.

CRM (DB) 1420 of 2023 is accordingly **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)