

16.05.2023

Serial no. **36**

Dd

CRM (DB) 1476 of 2023

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

-And-

In the matter of : The State of West Bengal

... ..Petitioner

Mr. Rudradipta Nandy, Id. APP

Ms. Sonali Das, Advocates

... .. For the Petitioner

Mr. Koustav Bagchi,

Mr. R. Abedin,

Mr. A. Dewan,

Mr. P. Kar, Advocates

... ..For the State

The application for cancellation of anticipatory bail is at the behest of the State.

Two grounds are canvassed for the purpose of cancellation of anticipatory bail. One of them is the perversity of the order granting anticipatory bail. The other is post bail misconduct.

Learned advocate appearing for the State submits that, subsequent to the private opposite parties being enlarged on anticipatory bail, police received complaints of the petitioner threatening the de facto complainant.

Learned advocate appearing for the private opposite parties submits that, the de facto complainant and the private opposite parties are adults. They entered into a consensual relationship. The private opposite parties were falsely implicated. The order granting anticipatory bail contains reasons for grant of the anticipatory bail. The alleged post bail misconduct remains unsubstantiated.

Private opposite parties were enlarged on anticipatory bail by Order no. 3 dated July 14, 2022 passed by the learned Sessions Judge, South 24 Parganas, Alipore, in Criminal Misc. Case No. 2968 of 2022.

The learned Judge took several factors into account while granting anticipatory bail. Such factors are enumerated in the order granting anticipatory bail. The principal amongst the factors is the age of the de facto complainant and private opposite parties and the nature of the relationship that they indulged into. Learned Judge took into account the conduct of the private opposite parties prior to the lodgment of the police complaint and deemed it appropriate that custodial interrogation of the private opposite parties were not required.

The order impugned contains the reasons for the grant of anticipatory bail. It cannot be said that the order stands vitiated by perversity.

Post bail misconduct of the private opposite parties remains unsubstantiated at this stage.

In such circumstances, we find no ground to interfere with the impugned order.

CRM (DB) 1476 of 2023 is accordingly dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)