

45 24.04.2023
(AD)
Court No.29

C.R.M. (DB) 1481 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: - Rina Khatun @ Bibi
...petitioner.

Mr. Mukteswar Maity
Ms. Manika Sarkar ... for the petitioner.

Mr. Arnab Chatterjee
Mr. Anisur Rahaman
... for the private opposite party.

Mr. Bidyut Kumar Roy
Ms. Sima Biswas
... for the State.

Petitioner applied for cancellation of anticipatory bail granted
on September 6, 2022.

Learned Advocate appearing for the private opposite party
submits that the private opposite party applied for and obtained
bail from the jurisdictional Court on March 15, 2023 acting in
terms of the order dated September 6, 2022.

The claim of the petitioner in this application is non-compliance
with the order dated September 6, 2022 by the private opposite
party in not surrendering and obtaining bail in terms of such
order.

The present application was affirmed on April 4, 2023, by which
time the private opposite party already surrendered in terms of the
order dated September 6, 2022.

Even today, the learned Advocate appearing for the petitioner
submits that he is not aware of such surrender by the private
opposite party. Petitioner is, however, aware of orders of the

jurisdictional Court prior to March 15, 2023 at the very best.

Petitioner, therefore, came with unclean hands to Court.

In view of such conduct of the petitioner, it would be appropriate to put the petitioner on terms.

Petitioner will pay costs assessed at Rs.20,000/- (Rupees Twenty Thousand only) to the West Bengal State Legal Services Authority, Kolkata, within seven days from date.

In default of payment, the jurisdictional Court will take appropriate steps.

C.R.M. (DB) 1481 of 2023 is disposed of accordingly.

(Debangsu Basak, J.)

(Rai Chattopadhyay, J.)

