

55 11.05.2023
(AD) Court No.29

C.R.M. (DB) 1756 of 2023

In Re: - An application under Section 439(2) of the Code of Criminal Procedure, 1973.

And

In the matter of: - Anup Singh

...petitioner.

Ms. Anasuya sinha
Ms. Pallavi Priyadarshee

... for the petitioner.

Mr. Dhananjay Banerjee
Ms. Oindrila Ghosh

... for the opposite party nos.2 to 6.

Mr. Abhra Mukherjee
Mr. Dipankar Mahata

... for the State.

Order dated March 17, 2023 granting anticipatory bail to the private opposite parties is under challenge in the present application for cancellation.

According to the petitioner, the private opposite parties flouting an order of injunction passed by a Civil Court, executed title deeds in favour of third parties, breach of such order of injunction and are threatening the petitioner.

State and the private opposite parties are represented.

Subsequent to the order granting anticipatory bail, there is no instance of the private opposite parties acting in violation of the order of injunction.

We hasten to clarify that it is for the Civil Court which passed the order of injunction to consider whether there is any breach of the order of injunction at any point of time. Our order should not be construed to mean that we pronounced on either side of the

divide with regard to the order of injunction in any manner whatsoever.

Post-bail misconduct allegation remains unsubstantiated.

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

C.R.M. (DB) 1756 of 2023 is disposed of accordingly.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

