

35 26.04.2023
(AD) Court No.29
(Dismissed)

C.R.M. 4298 of 2018

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

And

In the matter of: - Sayed Abdul Gofur @ Sayed Abdul Gafur
...petitioner.

Mr. Suman De

... for the petitioner.

An order dated May 8, 2018 is under challenge in the present application for cancellation.

Learned Advocate appearing for the petitioner submits that the Sessions Court was misled with regard to the contents of the police case. He submits that Section 307 of the Indian Penal Code was added prior to the order granting anticipatory bail. Provision of such Section was not drawn to the attention of the Court when the prayer for anticipatory bail was considered and granted.

None appears for the opposite parties.

As noted above, the impugned order is dated May 8, 2018. A period of five years elapsed since such order. The application was kept pending. The last order passed in the present application is dated September 20, 2021. No steps were taken by either of the parties to have the present application disposed of. No useful purpose will be sub-served by keeping the present application pending.

The learned Judge while granting the prayer for anticipatory bail considered the records made available in the case diary. Learned Judge returned a finding that need for custodial interrogation of the private opposite parties was not felt. Obviously

when the learned Judge was considering the case diary took into account all the materials in the case diary.

In such circumstances, we are not minded to interfere with the impugned order.

C.R.M. 4298 of 2018 is dismissed accordingly.

(Debangsu Basak, J.)

(Rai Chattopadhyay, J.)

