

01.08.2023
(D/L 21)
Ct. No.29
(Dismissed)
(SKB)

CRM (A) 2457 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Amherst Street Women P.S. Case No.07 of 2022 dated 27.09.2022 under Sections 376/354/342/323/344 of the Indian Penal Code.

In the matter of : Swapan Kumar Das and another
... Petitioners

Mr. Meghnad Dutta,
Ms. Anam Zafar,
Ms. Susmita Nath,
Mr. Sital Chakraborty

... for the petitioners

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee

... for the State

Ms. Sanjukta Samanto

... for the De-facto complainant
(in person).

1. Heard the learned Counsel for the parties.
2. It is submitted by the learned counsel for the petitioner and the informant Ms. Snjukta Samanta, who appears in person, that FRT in the case has already been filed during pendency of the writ petition filed by the informant for change of Investigating Agency.
3. In view of filing of FRT by the Investigating Officer, as against the accused persons, the present application of anticipatory bail has become infructuous. Accordingly,

the application for anticipatory bail being CRM(A) of 2457 of 2023 is dismissed as infructuous.

4. So far as the anxiety of the informant is concerned, the informant may move before the competent forum challenging the filing of FRT and also prosecute the writ petition before the competent court regarding change of Investigating Agency. But according to our considered view, we being in seisin over the question of anticipatory bail has no authority to deal with the aforesaid questions and we also find that there is no bar for filing of FRT during pendency of the writ petition for change of Investigating Agency.
5. With the aforesaid observations, the CRM(A) of 2457 of 2023 is dismissed.
6. The photocopy of the FRT as handed over by the learned advocate for the petitioner be taken on record.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)