

21.08.2023
(M/L 234)
Ct. No.29
Disposed of
(SKB)

CRM (A) 3042 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Kakdwip P.S. Case No.188 of 2020 dated 13.11.2020 under Sections 498A/406/323/307/34 of the Indian Penal Code.

In the matter of : Chandana Midya

... Petitioner

Mr. Gobinda Chandra Baidya,
Mr. Gobinda Baidya

... for the petitioner

Mr. Bidyut Kr. Roy,
Ms. Sima Biswas

... for the State

1. Heard the learned Counsel for the parties.
2. The petitioner was on bail. She having failed to appear on the date fixed before the competent court, NBW of arrest was issued against her. This court under Section 438 Cr.P.C. is not inclined to entertain such a petition because of two grounds:
 - (a) The NBW of arrest issued against the petitioner has to be quashed and
 - (b) The petitioner has to be directed to appear before the competent court who should further be directed to admit the petitioner on bail.
3. This court has no jurisdiction so far as ground number (a) is concerned.

4. In view of such fact, the petitioner, if so advised, may move before the competent court under Section 482 Cr.P.C.
5. With the aforesaid observation, CRM (A) of 3042 of 2023 is disposed of.
6. The original certified copy of the order dated 02.01.2023 be returned to the learned counsel for the petitioner on substitution of the same by authenticated photostate copy.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)