

03.01.2023

Serial no.56

Dd

CRM (DB) 3876 of 2022

In re : An Application under Section 439(2) of the Code of Criminal Procedure, 1973.

-And-

In the matter of : Sri Ajay Sharma

... ...Petitioner

Mr. Niladri Sekhar Ghosh,
Ms. Sompurna Chatterjee,
Mr. Sourov Mondal, Advocates
... ... For the Petitioner

Mr. Neguive Ahmed, Id. APP
Ms. Trina Mitra, Advocates
... ...For the State

Mr. Habibur Rahman, Advocate
... ...For the private Opposite Party no. 5

Mr. Ayan Bhattacharjee,
Ms. Ritashree Banerjee, Advocates
.....For the private opposite party no. 5

Mr. Apalak Basu,
Ms. Pritha Bhaumik Basu,
...For the private opposite party nos. 2,3,6

Petitioner seeks cancellation of Order no. 3 dated September 29, 2022 by which, the learned Sessions Judge was pleased to grant anticipatory bail to the private opposite parties.

It is contended on behalf of the petitioner that, the private opposite parties suppressed the material facts before the learned Sessions Judge. Two previous applications for anticipatory bail were dismissed as withdrawn. Confirmation of such dismissal as withdrawn were not stated to the learned

Sessions Judge while obtaining the order of anticipatory bail on September 29, 2022.

State and the private opposite parties are represented.

It is contended on behalf of the private opposite parties that, the petitioner as the de facto complainant was heard at the time of granting the order of anticipatory bail on September 29, 2022.

Apparently, two applications for anticipatory bail were dismissed as not pressed on behalf of the private opposite parties.

The de facto complainant was present when the order dated September 29, 2022 was passed. The order dated September 29, 2022 otherwise contains reasons for grant of anticipatory bail to the private opposite parties. It cannot be said that such order suffer from any perversity. Such is not the contention of the petitioner also.

The petitioner was present as a de facto complainant while order dated September 29, 2022 was passed. Petitioner was heard prior to the passing of such order.

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

Consequently, CRM (DB) 3876 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)