

CRM (DB) 4160 of 2022

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

And

In the matter of: **Salema Khatun,**

....petitioner.

Adv. Shahanayas Alam,

...for the petitioner.

Adv. Narayan Prasad Agarwala,

Adv. Pratick Bose,

...for the State.

Petitioner seeks cancellation of anticipatory bail granted to the private opposite parties on October 31, 2022 passed in CRM(A) No.4749 of 2022 on the ground that, the private opposite parties suppressed the material fact before the Hon'ble Court while obtaining such order.

State and the private opposite parties are represented.

Initially, four persons approached the Court for anticipatory bail by way of CRM(A) no. 463 of 2022 which was allowed on April 6, 2022. The four persons are the private opposite party nos. 2,3,4 and one Hafijuddin who is not the opposite party in the present application.

Subsequently, the private opposite party nos.2, 3 and 4 along with another two persons filed an application for anticipatory bail being CRM(A) no.4749 of 2022 which was allowed on October 31, 2022.

Learned counsel appearing for the private opposite parties produces a copy of the application for grant of anticipatory bail being CRM (A) no. 4749 of 2022 in Court.

The first paragraph of such application states that the petitioners therein prayed for anticipatory bail for the first time and that no case was pending or rejected by any Court.

Such statement obviously is contrary to the records and false to the knowledge of such petitioners.

The petitioners of CRM(A) no. 4749 of 2022 are opposite party nos. 2 to 6 in the present proceeding.

In such circumstances, since the opposite parties made a false statement to Court, knowing the same to be false and obtained the order dated October 31, 2022 passed in CRM(A) no.4749 of 2022 it would be appropriate to recall the order dated October 31, 2022 forthwith.

The private opposite parties will surrender before the jurisdictional Court forthwith. In default, the jurisdictional Court is at liberty to take appropriate steps against all the private respondents.

C.R.M. (DB) 4160 of 2022 is disposed of accordingly.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)