

**IN THE HIGH COURT AT CALCUTTA**  
**Criminal Miscellaneous Jurisdiction**  
**Appellate Side**

Present:

**The Hon'ble Justice Debangsu Basak**

And

**The Hon'ble Justice Md. Shabbar Rashidi**

**CRM (DB) 4465 of 2022**

**Jahanura Bibi**

**Vs.**

**The State of West Bengal & Ors.**

|                           |                                                                                                                                                            |
|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| For the Petitioner        | : Mr. Tapas Kr. Ghosh, Adv.<br>Mr. Tanmoy Chowdhury, Adv.                                                                                                  |
| For the Opposite<br>Party | : Mr. Kumar Jyoti Tewari, Adv.<br>Mr. Manas Kumar Das, Adv.<br>Ms. Rajlakshmi Ghatak, Adv.<br>Mr. Aniruddha Tewari, Adv.<br>Mr. Aritra Kumar Thokdar, Adv. |
| For the State             | : Mr. Tanmoy Kr. Ghosh, Adv.<br>Mr. Arindam Sen, Adv.                                                                                                      |
| Hearing Concluded on      | : February 16, 2023                                                                                                                                        |
| Judgement on              | : February 23, 2023                                                                                                                                        |

**DEBANGSU BASAK, J.:-**

1. Petitioner has applied for cancellation of anticipatory bail granted by the Sessions Court on the ground that, the private opposite party suppressed material fact from the court.
2. Learned advocate appearing for the petitioner has submitted that, the private opposite parties applied for anticipatory bail before the Sessions Court on June 20, 2022 and September 6, 2022. On both the two occasions, the

applications had been dismissed as not pressed. The private opposite parties had suppressed the fact of filing of the two applications for anticipatory bail and their the dismissals as not pressed before the Learned Sessions Judge while obtaining the impugned order granting anticipatory bail.

**3.** Learned advocate appearing for the petitioner has relied upon **2010 volume 2 CHN (Cal) 267 (Pamela Sarkar versus State of West Bengal and another)** and **2013 volume 2 Calcutta Criminal Law Reporter (Cal) 910 (Smt. Shanti Jha versus Sri Gurdip Singh Saluja).**

**4.** Learned advocate appearing for the private opposite parties has submitted that, the question of suppression of any material fact does not arise. He has submitted that, on both the dates spoken of by the petitioner as well as on the date when the impugned order granting anticipatory bail was passed, the petitioner was represented by an advocate. He has relied upon **2016 Criminal Law Journal 2468 (Mani Prasad Singh versus State of West Bengal and another).**

**5.** Learned advocate appearing for the State has not drawn the attention of the court to any violation of the order granting anticipatory bail or of any misconduct of the private

opposite parties subsequent to the order granting anticipatory bail to them, by the Sessions Judge.

**6.** The private opposite parties had been granted anticipatory bail by the impugned order dated December 2, 2022 passed by the learned Sessions Judge in Criminal Miscellaneous Case No. 2201/2022. The learned judge had recorded that, he perused the case diary and the documents relied upon by the applicants. He had noted that, in respect of the deed in question, there was long-standing dispute and that the matter was also pending before the civil court. He had noted that, the executant of the deed was alive on the date of its execution. Therefore, he had found no justification in detaining the private opposite parties for the sake of investigation. He had therefore proceeded to grant anticipatory bail to the private opposite parties.

**7.** The impugned order had been passed in presence of the learned advocate for the petitioner. Learned advocate for the petitioner did not draw the attention of the Court to the fact that, on two earlier occasions, applications for anticipatory bail were dismissed as not pressed. Learned advocate appearing for the petitioners had been present on the two previous dates on which, the two previous

applications for anticipatory bail were dismissed as not pressed. Therefore, it was within the knowledge of the petitioner that, two previous applications for anticipatory bail had been filed on behalf of the private opposite parties and that they had been dismissed as not pressed. Nothing had prevented the petitioner from drawing the attention of the court to such fact on December 2, 2022, when the impugned order was passed.

**8.** In view of such conduct of the petitioner, we do not find it necessary to allow the petitioner to rake up an issue of suppression, in the facts and circumstances of the present case.

**9.** The fact scenario obtaining in the present case are different from the three authorities cited at the bar.

**10.** The impugned order does not suffer from any perversity and we have not found any ground to interfere there with.

**11.** In such circumstances, we find no merit in the present application.

**12.** CRM (DB) 4465 of 2022 is dismissed.

**13.** Urgent Photostat certified copy of this judgement and order be supplied, if applied for, expeditiously, subject to the compliance of all formalities.

**[DEBANGSU BASAK, J.]**

**14.** I agree.

**[MD. SHABBAR RASHIDI, J]**