

30.01.2023

29

Ct. No. 29

CHC

C.R.M.8918 of 2020

In Re:- An application under Section 439(2) of the Code of Criminal Procedure, 1973.

And

In Re : Abdul Mannan Molla

..... petitioner

Mr. Robiul Islam,
Mr. Raju Mondal,
Ms. Pramita Banerjee
....for the petitioner

Mr. Neguive Ahmed, Ld. A.P.P.
Ms. Jonaki Saha
...for the State

Mr. Arindam Jana,
Mr. Arindam Jana,
Mr. Asraf Mondal
...for the opposite party no.2/
private opposite party

Petitioner seeks cancellation of an order granting anticipatory bail by the learned Sessions Judge, Nadia, in Criminal Misc. Case No.1907 of 2020.

Learned advocate appearing for the petitioner submits that the private opposite party applied for anticipatory bail and that the same was rejected earlier. Thereafter, suppressing such factum and rejection of the prayer of anticipatory bail, private opposite party applied for anticipatory bail and the same was granted.

Affidavit-in-opposition filed in court be taken on record.

Learned advocate appearing for private opposite party refers to the application for grant of anticipatory bail for the second time. He submits that, the factum of the rejection of the earlier application for anticipatory bail was pleaded in the application for grant of anticipatory bail for the second time.

The private opposite party approached the sessions court for grant of anticipatory bail in Criminal Misc. Case No.235 of 2020 which was rejected on February 13, 2020. He renewed his prayer for anticipatory bail by way of Criminal Misc. Case No.1907 of 2020. He was granted anticipatory bail by the impugned order dated September 30, 2020.

While granting the anticipatory bail to the private opposite party, the learned Sessions Judge recorded that the submissions made on behalf of the learned advocate for the private opposite party that no other bail application in respect of the private opposite party was preferred or pending before any higher authority concerned.

With the deepest respect such recording of the impugned order dated September 30, 2020 is contrary to the records. The private opposite party did not suppress the factum of the first application for grant of anticipatory bail and its rejection by the order dated February 13, 2020. Apparently, the learned Judge proceeded to record something which was erroneous and was contrary to the records, on the face of it.

The learned Judge while granting the anticipatory bail to the private opposite party by the impugned order, took note of the fact that the private opposite party was a school teacher

and that, on the date of incident he was present at the school. The learned Judge took note of the supporting documents with the application for anticipatory bail.

The learned Judge gave reasons for granting the prayer for anticipatory bail to the private opposite party. We do not find any perversity in such reasoning ascribed by the learned Judge.

In such circumstances, we find no material in the present application.

The application being C.R.M.8918 of 2020 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)