

26.09.2023.

Ct. No. 1

Item No. 76

sp

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE

C.R.M. (DB) No. 333 of 2023

In Re:- An application for cancellation of bail under Section 439 (2) of the Code of Criminal Procedure, 1973 filed on 15.06.2023.

And

In the matter of: **Toshima Khatun @ Toshmina**
...petitioner

Mr. Arijit Ghosh,
Mrs. Swarnali Ghosh
...For the petitioner

Mr. Nilay Chakraborty,
Mr. Tapan Bhattacharjee
... For the State

Mr. Sudip Guha,
Mr. Sandip Guha Roy
... For the opposite party no. 2

1. Affidavit of service filed in Court today is taken on record.

2. An application is made for cancellation of bail granted by the Co-ordinate bench on May 10, 2023 passed in CRM (DB) No. 197 of 2023 on the ground of suppression of material facts.

3. In the application before this Court in paragraph 1, internal page 2 of the last two lines, the petitioner has stated that after rejection of her bail on March 24, 2023 by the learned Sessions Judge, Alipurduar, she has not

filed any bail application either before this Court or the Court below.

2. It appears from the records that the petitioner had already filed CRM (DB) No. 77 of 2023 that was rejected by a Co-ordinate bench of this Court on February 8, 2023. There is, therefore, gross suppression of material facts in obtaining the order dated May 10, 2023 in CRM (DB) No. 197 of 2023.

3. Counsel for the accused is present in Court. It is submitted that his client was in custody and the family members have misled the learned Advocate into making the said incorrect statements.

4. This Court is unable to countenance the defence of the accused. For suppression of material facts of an earlier rejection of a bail application by a Co-ordinate bench of this Court on February 8, 2023, the bail granted to the petitioner on May 10, 2023 shall stand recalled and cancelled.

5. In view of the above, CRM (DB) No. 333 of 2023 shall stand dismissed. The accused shall be taken into custody forthwith.

(Supratim Bhattacharya, J.) (Rajasekhar Mantha, J.)