

CRR 971 of 2024

**Siba Prasad Rana
Vs.
The State of West Bengal**

Mr. Abhijit Kumar Adhya

... for the petitioner

Mr. Amit Ranjan Pati
Ms. Swastika Chowdhury

... for the opposite party no. 2

This revisional application has been preferred challenging the order dated 20.02.2024 wherein the learned Sessions Judge, Paschim Medinipur in Criminal Misc. Case No. 6248 of 2023 was pleased to cancel the bail of the present petitioner, Siba Prasad Rana.

Learned counsel for the opposite party drew attention of this Court to the earlier order dated 26.07.2023 wherein the present petitioner was granted bail by the learned Sessions Judge (I/C), Paschim Medinipur. In the said order, it is reflected that the accused husband is very much eager to lead matrimonial life with the wife/defacto complainant and for that purpose he also agrees to shift to a rented accommodation alongwith the wife and children. The wife/defacto complainant expressed apprehension in Court.

The learned Sessions Judge while granting the anticipatory bail, allowed it on condition that the accused/present petitioner would arrange a rented accommodation in terms of an affidavit within one month thereof where he would live with his wife and children peacefully. Thus, an affidavit was filed before the Court of Law with an undertaking which was not later on honoured.

Learned counsel appearing for the petitioner submits that the learned Sessions Court had no authority to pass such order or impose such condition.

Agreeing with what the learned counsel appearing for the petitioner submits, I am of the opinion that since an affidavit was filed before the Court and the undertaking given therein was not adhered to, is in fact commission of a fraud before the Court of Law. The legality or illegality of an order can be gone into where there has been a contest between the parties but where an order is obtained by misleading the Court, in that case, it would be difficult to consider the legality or illegality of the order and that too after the petitioner has enjoyed the benefits of the order passed.

Having considered the same, I am not inclined to interfere with the order dated 20.02.2024 passed by the learned Sessions Judge, Paschim Medinipur in Criminal Misc. Case No. 6248 of 2023 thereby cancelling the order of the anticipatory bail in respect of the present petitioner. However, the petitioner would be at liberty to approach other Courts if there is any other remedy.

With the above observations, CRR 971 of 2024 stands **disposed of**. Pending applications, if any, also stands disposed of.

Parties are to act on the server copy of this order duly collected from the official website of the Hon'ble High Court at Calcutta.

(Tirthankar Ghosh, J.)