

21.03.2024
Item No.62
Ct. No. 29
CHC

C.R.M.(DB) 1579 of 2023

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

And

In the matter of : Tumpa Das

..... petitioner

Mr. Swapan Kumar Mallick,
Mr. Subhasis Pachchal,
Mr. Debendra Ghosal
....for the petitioner

Mr. Rudradipta Nandy, Ld. A.P.P.
Ms. Sonali Bhar
....for the State

Mr. Pawan Kr. Gupta,
Ms. Safia Nesar,
Mr. Santanu Sett
....for the private opposite party/
opposite party no.2

Petitioner prays for cancellation of the order granting anticipatory bail by the jurisdictional Court on February 16, 2023 in Criminal Misc. Case No. 303 of 2023.

It is contended on behalf of the petitioner that, petitioner suppressed material fact before the learned jurisdictional Court while obtaining order for anticipatory bail. Prayer for anticipatory bail of the private opposite party stood rejected on July 28, 2022 which fact was not drawn to the learned Judge while the learned Judge granted anticipatory bail on February 16, 2023.

State and the private opposite party are represented.

Affidavits filed in Court be taken on record.

It appears from the records that, initially, the private opposite party approached the jurisdictional Court for grant of anticipatory bail which was rejected by the order dated July 28, 2022 passed in Criminal Misc. Case No. 1956 of 2022. Thereafter, the prayer was renewed and granted anticipatory bail on February 16, 2023.

While renewing the prayer for grant of anticipatory bail, the private opposite party filed an application where, the private opposite party at paragraph-4 thereof, stated about the rejection of the earlier application for anticipatory bail. In the affidavit verifying such petition, apparently, the private opposite party stated that earlier application for anticipatory bail was disposed of.

Since, the private opposite party pleaded about the rejection of the earlier prayer for anticipatory bail in the body of the petition, we are not minded to hold that, the private opposite party was guilty of suppressing any material fact.

In such circumstances, we find no ground to interfere with the order granting anticipatory bail to the private opposite party.

CRM (DB) 1579 of 2023 is dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)