

21.03.2024
Item No.73
Ct. No. 29
CHC

C.R.M.(DB) 2664 of 2023

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

And

In the matter of : Shadab Bano

..... petitioner

Ms. Minoti Gomes

....for the petitioner

Mr. Pravash Bhattacharyya,

Ms. Jonaki Saha

....for the State

Mr. Kunal Ganguly

....for the opposite party nos. 2 to 5

Petitioner prays for cancellation of the order dated May 18, 2023 passed by the jurisdictional Court.

Learned advocate appearing for the petitioner submits that, the private opposite parties did not draw the attention of the Court to the adding of Section 386 of the Indian Penal Code, 1860 in the police case. Moreover, the person who affirmed the petition for grant of anticipatory bail withdrew the application and therefore, there was no valid affirmation of the petition in respect of other co-accused.

State and the private opposite parties are represented.

We perused the order dated May 18, 2023.

The body of the order itself shows that, the learned Judge took cognizance of the fact that, Section 386 of the Indian Penal

Code, 1860 was added to the police case. It is so stated in the first paragraph of the order itself.

Learned Judge proceeded on the basis that prayer for anticipatory bail were not being pressed for two accused and rejected the application for them. So far as the other accused before the learned Judge was concerned, materials in the Case Diary were taken into consideration and the learned Judge returned a finding that, such materials do not justify detention of the accused in custody for the purpose of investigation. Learned Judge also opined that such persons were distant relatives and stayed elsewhere.

The impugned order is well reasoned.

We find no ground to interfere with the impugned order.

In such circumstances, C.R.M.(DB) 2664 of 2023 is dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)