

03.05.2024
Item No.21
Ct. No. 29
CHC

C.R.M.(DB) 3191 of 2023

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

And

In the matter of : Deepak Agarwal

..... petitioner

Ms. Akansha Yadav

....for the petitioner

Mr. Saryati Datta,

Ms. Busra Khatun

....for the State

Mr. Sabyasachi Banerjee,

Ms. Diksha Ghosh

....for the private opposite parties/
opposite party nos. 2 to 4

Petitioner seeks cancellation of the anticipatory bail granted by Order No.3 dated May 20, 2023 passed by the Learned Sessions Judge, South 24 Parganas at Alipore in Criminal Misc. Case No.2001 of 2023.

Learned appearing for the petitioner initially seeks an opportunity to file a rejoinder to the affidavit-in-reply filed on behalf of the private opposite parties on record that, private opposite parties introduced certain documents which requires dealing with.

In response, learned advocate for the private opposite parties invites Court to ignore such documents annexed to the affidavit-in-reply.

On such invitation of the private opposite parties, the documents annexed to the affidavit-in-reply are not taking into consideration for the purpose of deciding the present application.

We find from the order dated May 20, 2023 that, the Learned Sessions Judge took into consideration the fact that, the real disputes involved in the matter was with regard to car parking space. Civil litigations were pending on the selfsame issue before the Civil Judge as also before the High Court. Learned Judge also took into account that, nature of disputes indicated that same was civil in nature. He took into account documents required for the purpose of investigation can be easily collected from the concerned registration office. He also found that private opposite parties cannot be said to be unwilling to cooperate with the investigation. Moreover, substantial progress was made in the investigation.

The order granting anticipatory bail is well reasoned. Perversity is not established. Post bail misconduct is not the allegation.

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

CRM(DB) 3191 of 2023 is dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)