

31 28.03.2024
(AD) Court No.29
(Dismissed)

C.R.M. (DB) 3168 of 2023

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

In the matter of: - Sadashib Jana
...petitioner.
Mr. Santanu Deb Roy
Mr. Dipankar Guha
... for the petitioner.
Mr. Avishek Sinha
... for the State.

Petitioner prays for cancellation of anticipatory bail granted by
the learned Sessions Judge, South 24-Parganas, Alipore in
Criminal Misc. Case No.2603 of 2023.

Affidavit of service filed in Court be taken on record.

None appears for the private opposite parties.

State is represented.

Learned Advocate appearing for the petitioner submits that the
private opposite parties are police personnel and are threatening
the de facto complainant for withdrawing the police complaint.

We perused the order granting anticipatory bail to the private
opposite parties.

We find that, the learned Judge took into account the nature of
injury and found that the nature of injury was simple. The learned
Judge also found that, the incident occurred during the official
duties and that the private opposite parties were discharging such
duties in their official status. The learned Judge also took into
account the fact that the opposite parties were not required for the
purpose of custodial interrogation and proceeded to grant
anticipatory bail to the private opposite parties.

The impugned order contains adequate and sufficient reasons for the grant of anticipatory bail. The injury is not shown to be of grievous hurt. There is no material-on-record to suggest that the private opposite parties are guilty of post-bail misconduct. Allegation with regard to threatening remains unsubstantiated at this stage.

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

C.R.M. (DB) 3168 of 2023 is dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)