

05.01.2024
09
Ct. No. 29
S.D.

C.R.M.(A) 4497 of 2023

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chanchal** Police Station Case No. **450** of **2023** dated **20.4.2023** under Section 448/506/436/34 of the Indian Penal Code.

And

In Re : Badal Bagdi & Ors.

..... petitioner

Mr. Nemai Chandra Betal
....for the petitioner

Md. Rafikul Islam
Mr. S.S. Saha
...for the State

The application for anticipatory bail is taken up for consideration subsequent to the order dated October 16, 2023 by the Coordinate Bench.

By such order dated October 16, 2023, the petitioner was enlarged on an interim anticipatory bail.

It is submitted at the bar that, the order granting interim anticipatory bail was passed just prior to the ensuing puja vacation without considering the materials in the case diary.

Learned advocate appearing for the petitioner submits that the petitioner will refund the sum of Rs.2.20 lakhs to the defacto-complainant within a month from date.

Learned advocate appearing for the State submits that, the petitioner was enlarged on anticipatory bail by the High Court on August 31, 2023 in C.R.M. (A) 3531 of 2023.

The present application was filed on September 27, 2023, i.e. after the grant of anticipatory bail by the High Court. Interim order dated October 16, 2023 was secured from the High Court in the present application. At neither of the two times was it pointed out by the petitioners that they were enlarged on anticipatory bail by the High Court earlier.

The first paragraph of the present application states that the present application was filed by the petitioners for the first time.

Petitioners made a false statement knowing the same to be false on oath.

The petitioners obtained undue benefits from the High Court.

Learned advocate appearing for the petitioner seeks to withdraw the petition.

In view of the conduct of the petitioners, we deem it appropriate to impost costs upon the petitioners.

Each of the petitioners will pay Rs.20,000/- to the West Bengal Legal Aid Services, Kolkata within 7 days from date. They will submit documentary evidence of payment of such payment before the Jurisdictional Court as also to the Investigating Officer. In default of payment of such costs as

directed. State is at liberty to apply for cancellation of the anticipatory bail granted to the petitioners.

C.R.M. (A) 4497 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)