

20.03.2025
Item No.83
Ct. No. 26
CHC
(disposed of)

C.R.M.(DB) 3048 of 2024

In Re:- An application for cancellation of anticipatory bail under Section 439(2) of the Code of Criminal Procedure, 1973 and under Section 483(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

And

In the matter of : Nasima Banu

..... petitioner

Mr. Mohinoor Rahaman, Advocate
Mr. Iqra Rahaman,
....for the petitioner

Mr. Rudradipta Nandy, Ld. A.P.P.
Ms. Sanjana Saha, Advocate
....for the State

Mr. Santanu Chatterjee, Advocate
...for the opposite party no.2

1. Petitioner prays for cancellation of anticipatory bail granted by Order No.4 dated May 10, 2024.
2. Learned advocate appearing for the petitioner submits that, the learned Sessions Judge who granted anticipatory bail proceeded to do so on the perusal of the statements of the injured victims and other witnesses.
3. State and the private opposite party are represented.
4. We perused two statements recorded under Section 164 of the Criminal Procedure Code.
5. In an incident of assault, some persons suffered injuries while one of them succumbed to the injuries. Two injured persons recorded statements under Section 164 of the

Criminal Procedure Code. Both attribute the private opposite party as the person who was present at the place and time of occurrence and participated in the assault on the victim who succumbed to his death.

6. The gravity of the offence and the involvement of the private opposite party in the incident, do not prompt a Court to grant anticipatory bail.
7. Learned Sessions Judge, as noted above, proceeded on the basis of the statements of two persons.
8. Learned Sessions Judge overlooked two statements recorded under Section 164 of the Criminal Procedure Code which implicates the private opposite party before us.
9. In view of the order of the learned Sessions Judge being perverse in the sense it did not take into consideration the gravity of the offence and the involvement of the private opposite party as transpiring from the materials on record particularly the statements recorded under Section 164 of the Criminal Procedure Code, we are constrained to cancel the anticipatory bail granted in favour of the private opposite party.
10. Private opposite party will surrender before the jurisdictional Court within a fortnight from date. In default, appropriate steps to secure the attendance of the

private opposite party be taken before the jurisdictional court.

11. CRM(DB) 3048 of 2024 is disposed of.

(Debangsu Basak, J.)

(Smita Das De, J.)