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**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction**

C.R.M. (A) 415 of 2025

In Re : An application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Siliguri Police Station Case No. 1065/2021 dated 27.08.2021 under Sections 505/420/465/468/471 of the Indian Penal Code read with Section 24 of the Maintenance and Welfare of Parents and Senior Citizen Act.

And

In Re : **Sri Sunil Kumar Kallani @ Sunil Kalyani**

Ms. Rima Sarkar
Ms. Sidhi Sethia
Ms. Suparna Paul

... for the petitioner.

Mr. Kallol Acharjee
Mr. Aniruddha Biswas

... for the State.

Mr. Suresh Kumar Mitruka
Mr. Aayush Mitruka
Ms. Shruti Yadav
Mr. Sujit Swami

... for the defacto complainant

The petitioner seeks anticipatory bail apprehending arrest on the ground that the investigating officer has prayed for cancellation of bail granted to the petitioner earlier before the learned Magistrate.

This Court directed the investigating officer to appear before the Court to clarify certain points taken by him in the said application.

Investigating officer is present in Court today.

Heard learned counsels for the parties.

It appears that the petitioner was granted anticipatory bail earlier and surrendered before the learned Magistrate. He was granted regular bail which is continuing till date. The investigating officer filed an application before the learned Magistrate seeking cancellation of bail of the petitioner on certain grounds. The application is yet to be considered.

In my considered view, since the petitioner is already on bail which has not been cancelled as yet, the scope of entertaining the present application does not arise.

Learned counsel for the petitioner has placed reliance on a judgment delivered by an Hon'ble Division Bench of this Court on 18th September, 2024 in CRM(A) 2030 of 2024 wherein the Hon'ble Division Bench has held that the petitioner therein could have approached the Court for anticipatory bail on receiving notice of addition of graver non- bailable section and prior to the cancellation of the bail by the learned Magistrate. In the said matter the petitioner had approached this Court for anticipatory bail upon cancellation of his bail by the learned Magistrate.

In the case in hand, no graver non-bailable section is proposed to be added by the investigating officer. The judgment referred to is, therefore, not applicable in the fact situation of the present case.

Since the petitioner is enjoying bail which has not been cancelled as yet and also since no graver non-bailable section is proposed to be added, the present application seeking anticipatory bail is premature and is not maintainable.

Accordingly, the application is dismissed, being not maintainable.

It is made clear that that the observation made in this order is solely for the purpose of disposal of the present application and shall have no bearing on the merits of the application for cancellation of bail pending before the learned Magistrate. The learned Magistrate shall deal with the application in accordance with law.

Personal appearance of the investigating officer is dispensed with.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)

