

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (M) 2592 of 2025

In Re: - An application for cancellation of bail under Section 483(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

And

In the matter of: - **Rohit Kumar Jaiswal.**
.....petitioner.

Ms. Priyanka Sarkar,
Mr. Aditya R. Tiwary.
...for the petitioner.

Mr. Francis Samson Correa,
Mr. Sunny Nandy,
Ms. Sneha Singh,
Ms. Yamini Tiwari,
Ms. Rukaiya Firdous.
...for the o.p. nos. 2 and 3.

Mr. Saibal Bapuli, Id. APP.,
Mr. A. Bhattacharyya
... for the State

Affidavit-of-service filed in Court today is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The first application for anticipatory bail of the opposite party nos. 2 and 3 was rejected by the learned Sessions Court on merits on 23rd May, 2025. Suppressing the same an anticipatory bail application was moved before a Vacation Bench of the Sessions Court and the same was allowed on 8th October, 2025 in Criminal Misc. Case No. 177 of 2025. It

was mentioned in the affidavit that no earlier application for anticipatory bail had been rejected or moved before the Sessions Court. It was further categorically submitted before the Vacation Bench of the Sessions Court that no earlier application for anticipatory bail had been moved before the learned Sessions Court. The second application for anticipatory bail which was moved before the learned Sessions Court was not maintainable. Despite the same, the private parties had obtained an anticipatory bail fraudulently. That apart, the opposite party nos. 2 and 3 were not entitled for such relief even on merits.

Learned counsel appearing for the opposite party nos. 2 and 3 opposes the prayer for cancellation of anticipatory bail. He submits that they have not violated the condition of bail. A second application is maintainable on account of change of circumstances.

Learned counsel appearing for the State supports the prayer for cancellation of anticipatory bail and relies on the case diary. He submits that there are incriminating materials available in the case diary as against the present petitioner. He relies on the materials in the case diary including the post mortem report and the statements of eye-witnesses recorded before the learned Magistrate, which implicate the present opposite party nos. 2 and 3.

It appears that the opposite party nos. 2 and 3 had fraudulently obtained anticipatory bail from the Vacation Bench of the Sessions Court by making false averments in the

application itself and falsely stating that no application for anticipatory bail was earlier moved before the Sessions Court or the High Court.

In fact, the Sessions Court had rejected the petitioner's application filed earlier on merits.

Even otherwise, there are incriminating materials available against the present opposite party nos. 2 and 3 that would have denied them the relief of anticipatory bail.

Considering the above and in the interest of justice, I allow the application for cancellation of anticipatory bail.

The opposite party nos. 2 and 3 shall surrender before the Jurisdictional Court within three weeks from this date.

The presence of I.O. is noted and dispensed with.

CRM(M) 2592 of 2025 is disposed of.

Urgent Photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)