

CRM 1204 of 2020

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

In the matter of : Sarjina Bibi
.... Petitioner
Mr. Dipanjan Chatterjee,
Mr. Kalyan Kumar Bhattacharjee For the
Petitioner

Mr. B.Panda,
Mr.S.Bhakat **..... for the State**

In connection with Raidighi Police Station case No. 523 of 2019, dated 10th October, 2019 under Section 447/427/188/323/325/354/506/34 of the Indian Penal Code, opposite parties were granted interim bail by the learned Additional Chief Judicial Magistrate, Diamond Harbour. The petitioner being one of the victims has filed the instant application for cancellation of bail of the said accused persons /opposite parties.

It is submitted by the learned advocate for the petitioner that the learned Additional Chief Judicial Magistrate, Diamond Harbour did not consider the injury reports of the persons who were assaulted and sustained grievous hurt on the vital parts on their body by the accused persons.

I have carefully perused the injury reports annexed with the instant application at page number 11 onwards (annexure 'A' Series). It is true that some of the injured persons received fracture injury on their heads. Parietal bone was diffused in case of one of the injured. The nature of injury, though prima facie seems to be grievous , it was

inflicted with blunt object. Therefore, the accused persons implicated for committing offence under Section 325 of the Indian Penal Code which is bailable in nature. Accordingly, I do not find any illegality in the order passed by learned Additional Chief Judicial Magistrate , Diamond Harbour .

The instant application under Section 439(2) of the Code of Criminal Procedure is rejected on contest.

Case diary be returned.

(Bibek Chaudhuri, J.)