

08.06.2021

Sl. No. 14

Srimanta

Ct. No. – 19

D/L

**CRM/9430/2018
(Via Video Conference)**

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

In the matter of : Afsana Khatoon.

Mr. Narayan Prasad Agarwala, Adv.,
Mr. Pratick Bose, Adv.

... petitioner.

...for the State.

None appears on behalf of the petitioner.

Mr. Narayan Prasad Agarwala, learned Public Prosecutor-in-Charge is present in Court.

An application under Section 437(5) for cancellation of bail was filed at the instance of the *de facto* complainant on 19th January, 2018. The Learned Chief Judicial Magistrate, Alipore rejected the said application vide order dated 3rd September, 2018 by a reasoned order.

From the memo of evidence it is found that charge-sheet was submitted in the year 2018 against the petitioners and the case is at the stage of trial. The nature of allegation does not deserve custodial interrogation of the accused persons/opposite parties. Therefore, this Court is of the view that the detention of the accused is not necessary and the bail cannot be cancelled for such purpose.

Accordingly, the application is dismissed.

Memo of evidence be kept with the record.

All Parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Bibek Chaudhuri, J.)