

53 22.02.2022
(AD)
Court No.29

C.R.M. (DB) 133 of 2022

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

And

In the matter of: - Anisa Khatun

...petitioner.

Mr. Imtiaz Ahmed
Mr. Ghazala Firdaus
Mr. Mofakkerul Islam
Sk. Saidullah
Ms. Smita Saha

... for the petitioner.

Mr. Saibal Bapuli, Ld. APP
Mr. Bibaswan Bhattacharya

... for the State.

Petitioner seeks cancellation of bail.

Learned Advocate appearing for the petitioner submits that the jurisdictional Court while granting bail overlooked the gravity of the offence and the age of the victim.

Learned Advocate appearing for the State draws the attention of the Court to the statements of the victim recorded under Section 164 of the Code of Criminal Procedure.

Bail to the private opposite party was granted by the order dated November 16, 2021. The jurisdictional Court considered the age of the victim and found her to be 18 years and the private opposite party to be 21 years at the time of the incident. The jurisdictional Court also took into consideration the materials in the case diary from where it could be deduced that there was a long-standing love affair between the victim and the private opposite party. After considering the existence of the love affair between the victim and the private opposite party, their age and the materials in the case diary and the development of the investigation and the period of

detention of the private opposite party, the jurisdictional Court proceeded to grant bail to the private opposite party.

We find no material irregularity in the order of the jurisdictional Court in granting bail to the private opposite party. Consequently, we find no ground for cancellation of the bail granted to the private opposite party.

Accordingly, the prayer for cancellation of bail is rejected.

C.R.M. (DB) 133 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)