

24.03.2022

Sl. No. 2.
Mithun
Ct.No.42.

CRM (SB)/43/2022

(Via Video Conference)

In re: An application under Section 439(2) of the Code of Criminal Procedure, 1973 for cancellation of bail orders dated 18.02.2022 passed by the learned Sessions Judge, Malda being Criminal Misc. Case No.493/2022 in connection with Harishchandra Pur Police Station Case No.954/2021 dated 26.12.2021 under Sections 341/324/325/308/354/379/34 of the Indian Penal Code corresponding to G.R. No.3045/2021.

In the matter of : **Imdadul Hoque.**

...petitioner.

Ms. Bushra Khatoon, Adv.
Mr. Abu Safdar, Adv.

...for the petitioner.

Mr. Nuguive Ahmed, APP,
Ms. Amita Gaour, Adv.

...for the State.

This is an application for cancellation of bail granted by the learned Sessions Judge, Malda by an order dated 18th February, 2022 in Criminal Misc. Case No.493 of 2022.

Harishchandra Pur Police Station Case No.954 of 2021 was registered on 26th December, 2021 under Section 341/324/325/308/354/379/34 of the Indian Penal Code against the respondents/opposite parties. Learned Sessions Judge, Malda granted bail on perusal of the case diary stating the reason that the injury received by the victim is not grievous and there is nothing in the case diary with regard to the

allegation of offence under Sections 354/379 of the Indian Penal Code.

It is pointed out by the learned Advocate for the de facto complainant/petitioner placing reliance on Page 14 to 16 of the application that the de facto complainant received injury on head which is most vital part of the body. The learned Sessions Judge did not consider such aspect of the matter and held that the injury was not grievous. Secondly, it is alleged that the accused persons are threatening the de facto complainant after being released on bail.

On the aforesaid two counts prayer for bail was sought to be cancelled.

Learned P.P.-in-Charge has filed the injury report of the petitioner. The injury report shows that the injury received by the petitioner was simple in nature. The learned Sessions Judge granted bail to the accused person considering the injury report. Moreover, the de facto complainant has not taken any step in the form of making general diary against the accused persons in support of the allegation that he is being threatened by the accused persons. Therefore, there is no material in support of the submission made by the learned Advocate for the petitioner in this regard.

For the reasons stated above, I do not find any reason to cancel the bail of the accused person granted by the learned Sessions Judge, Malda.

The application is, thus, rejected.

(Bibek Chaudhuri, J.)