

18.04.2022
Serial no.86 & 87
Aloke
Ct. No. 29

CRM 2487 of 2021

In re : An Application under Section 439(2) of the Code of Criminal Procedure.

In the matter of: **Chanpa Kora**

... ...Petitioner

AND

CRM (DB) 636 of 2022

In the matter of: **Kashinath Konra @ Kashinath Kora**

... ...Petitioner

Mr. Satadru Lahiri, Advocate
Mr. Sanat Kr. Das, Advocate
Mr. Sujon Chatterjee, Advocate
Mr. Safdar Azam, Advocate
Mr. Sirsho Dasgupta, Advocate

... ... For the Petitioner

Mr. Saibal Bapuli, Id. APP
Mr. S. Santra, Advocate

... ... For the State in

CRM 2487 of 2021

Mr. Debabrata Chatterje, Id. APP
Ms. Sonali Das, Advocate
Mr. Musumi Sarkar, Advocate

... ... For the State in

CRM (DB) 636 of 2022

Mr. Uday Sankar Chattopadhyay, Advocate
Mr. Santanu Maji, Advocate
Ms. Snigdha Saha, Advocate
Mr. Pronay Basak, Advocate
Mr. Surya Das, Advocate
Ms. Trisha Rakshit, Advocate

... ... For the Opposite Parties

The two applications for cancellation of bail are taken up for analogous hearing as they involve the same victim, Chanpa Kora. The victim Chanpa Kora claims that there was acid attack on her. The victim apparently filed at least two police complaints on the issue. One of the police complaints is the Jamalpur P.S. Case No. 43 of 2021 dated February 10, 2021. In such police case, the Sessions Court granted bail to the private-opposite party by the order dated June 28, 2021.

The Sessions Court considered the materials on record in the case diary including the statement recorded and the medical and other documents available, nature of allegations, materials collected, facts and circumstances and the period of detention undergone by the private opposite party and granted bail to the private opposite party.

The case diary contains injury reports of Chanpa Kora. The injury reports shows that the victim suffered acid attack.

Considering the heinous nature of the crime as appearing from the materials in the case diary, we are of the view that the learned Sessions Judge did not consider the nature of the crime and the fact that the victim suffered acid attack.

In such circumstances, we are of the view that the learned Sessions Judge erred in granting bail to the private opposite party. Consequently, the bail granted to the private opposite party by the order dated June 28, 2021 is set aside.

CRM (DB) 636 of 2022 is allowed.

So far as the other application for cancellation of bail is concerned, we find from the materials in the case diary, the victim did not suffer any acid attack injuries in such case. Consequently, we do not interfere with the order granting bail to the private opposite party in CRM 2487 of 2021. Consequently, CRM 2487 of 2021 is rejected.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)