

20.06.202299
tkcm/ct 28
sl no. 100

C.R.M. (DB) 1207 of 2022

In Re : An application for cancellation of bail under section 439 (2) of the
Code of Criminal Procedure

And

In Re :Ayesha Parvin petitioner

Mr. M I Kayal

..... for the petitioner

Ms. Z N Khan
Mr. Ashok Das

..... for the State

Ms. R Sreemani

..... for the OP No. 2

Impugned order dated 28.3.2022 passed by learned CJM,
Alipore, South 24 Parganas granting interim bail to opposite party
no. 5 has been assailed.

Hence, application for cancellation of bail against opposite
party nos. 2, 3, 4 and 6 are dismissed as not maintainable.

With regard to bail order against opposite party no. 5, we
note the learned magistrate considered the gravity of the offence
and the fact that opposite party no. 5 is a lady. The magistrate
observed as follows :

“There is no specific allegations in the FIR under section 307
IPC against the instant female accused person”

We have also considered the development in investigation
including the statement of victim lady recorded under section 164
Cr.P.C (recorded subsequent to the grant of interim bail). The said
statement is bereft of any specific allegation levelled against

opposite party no. 5 Nasima Bibi with regard to assault on the victim with a rod.

Under such circumstances, we do not find any reason to interfere with the interim bail granted to opposite party no. 5.

The application for cancellation of bail is, accordingly, dismissed on merits so far as opposite party no. 5 is concerned.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)