

29.08.2022

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CRM (DB) No. 2088 of 2022

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

And

In Re : Sarmistha Das petitioner

Mr. Manas Kumar Das
..... for the petitioner

Ms. Amita Gaur
..... for the State

Mr. Pratip Kumar Chatterjee
..... for the opposite party no. 2

Order dated 16.04.2022 granting ad interim bail to the opposite party no. 2 has been assailed.

It is contended that the learned Magistrate without considering the gravity of the offence enlarged the opposite party no. 2, mother-in-law, on ad interim bail on the day she surrendered before the court below.

We have considered materials on record including the injury report. We also note that the learned Magistrate had adverted to the fact that the allegation under Section 307 of the Indian Penal Code is not against the opposite party no. 2. We do not find any jurisdictional error in the order impugned. With regard to post-bail conduct, we are of the view since the order is an interlocutory one, petitioner is at liberty to agitate his

grievances before the learned Magistrate at the time of confirmation of bail in accordance with law, if so advised.

This application for cancellation of bail is, thus, disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)