

09.03.2022

Sl. 56
Court No.29
Suvayan

CRM 6454 of 2021

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

And

In the matter of: Md. Azharuddin

....petitioner.

Mr. Bitasok Banerjee
Mr. Apurba Kr. Datta
Mr. K. Banerjee

... for the petitioner.

Mr. Chitropriyo Ghosh
Md. N. Hussan
Ms. Priyanka Saha

...for the opposite party.

Ms. Zareen N. Khan
Mr. Asoke Das

...for the State

Affidavit-of-service filed in Court be taken on record.

Petitioner seeks cancellation of bail granted by the Sessions Court on June 11, 2019.

Learned Advocate appearing for the petitioner submits that the Court should take into consideration the gravity of the offence and the involvement of the private opposite party therein. He submits that the victim died out of gun shot injury. The private opposite party is influential in the locality. The private opposite party is holding out threats to the petitioner. At the very least, the private opposite party should be asked not to enter into the jurisdiction of the local police station.

State and the private opposite party are represented.

It appears from the records that the order granting bail was passed on June 11, 2019. A period in excess of two years elapsed from such date of the order. There is no material on record suggesting let alone establishing that the private opposite party

held out any threats to the petitioner. There is no complaint to the police at the behest of the petitioner in such respect.

Considering the time period elapsing from the date of the order granting the bail and considering the conduct of the petitioner, we are unable to interfere with the order dated June 11, 2019 passed by the Sessions Court granting bail to the private opposite party.

Consequently, C.R.M. 6454 of 2021 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)