

D/L7
28.04.2023
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C.R.M.(SB) 14 of 2023

In Re: An application under Section 439(2) of the Code of Criminal Procedure, 1973 for Cancellation of Bail;

Sagarika Sardar @ Halder
Versus
The State of West Bengal and others

Mr. Sandip Das.
...for the petitioner.

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee.
...for the State.

Learned advocate appearing for the petitioner submits that the opposite parties are violating the conditions of the bail granted by the learned ACJM, Baruipur in its order dated 0204.2022. Learned advocate also submits that the petitioner is being continuously threatened by the accused/opposite parties after they were granted bail.

I find that the bail was granted in April, 2022. More than one year has passed since then. The issue of violation of the conditions were not brought to the notice of the learned Magistrate under Section 437(5) of the Code of Criminal Procedure. Having regard to the same, I do not intend to interfere.

Petitioner would be at liberty to apply under Section 437(5) of the Code of Criminal Procedure before the learned Magistrate, which if filed, learned Magistrate will dispose of the same in accordance with law.

With the aforesaid observations, CRM (SB) 14 of 2023 is

disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)