

30.01.2023
Sl. No.79
akd

C. R. M. (DB) 307 of 2023

In Re : An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure filed on 18.01.2023 :

A N D

In Re : Ms. Mamoni Mondal

..... Petitioner

Mr. Suvadip Bhattacharjee
Mr. Belaram Patra

... .. for the petitioner

Petitioner has assailed order dated 24.08.2022 passed by the learned Additional Chief Judicial Magistrate, Kalyani, Nadia enlarging opposite party nos.1 to 5 herein on bail.

It is contended on behalf of the petitioner that the learned Magistrate failed to consider the gravity of the allegations including the injuries suffered by the victim. Though FIR was registered under Section 307 IPC, police report was filed in a malicious manner omitting the said offence. Prayer has been made for further investigation. Accordingly, petitioner prays for cancellation of bail of opposite party nos.1 to 5 herein.

We have considered the materials on record. Incident occurred in course of a sudden quarrel. Whether the injuries and the circumstances in which they were caused would attract Section 307 IPC may be agitated at the appropriate stage of the proceeding. Jurisdiction of the learned Magistrate to grant bail to opposite party nos.1 to 5 herein in respect of offences which are Magistrate triable cannot be disputed. Opposite party nos.1 to 5 herein do not have criminal antecedents. They have strong roots in society and some of them are women. There is no possibility of their abscondence or evading the process of law.

Under such circumstances, we are not inclined to set aside the order dated 24.08.2022 granting bail to opposite party nos.1 to 5 herein.

We do not express any opinion with regard to the merits of the plea of the petitioner that uncontroverted allegations disclose offence under Section 307 IPC and the same is left open to be decided at the appropriate stage of the proceeding in accordance with law.

CRM (DB) 307 of 2023 is thus disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)