

Item No.12
Ct.No.34
dc.

In Re : An Application for cancellation of bail under Section 439 (2) of the Code of Criminal Procedure, 1973.

In Re : **Bachendri Ray** ... Petitioner.

Mr. Arijit Ganguly,
Ms. Manisha Sharma ... For the State.

Mr. Jayanta Narayan Chatterjee,
Ms. Jayashree Patra,
Ms. Pritha Sinha ... For the Opposite Party No.2.

Mr. Halder, learned advocate appearing for the petitioner prays for cancellation of bail.

Mr. Chatterjee, learned advocate appearing for the opposite party no.2 resists such submission.

Mr. Ganguly, learned advocate appearing for the State submits that a specific case has been registered pursuant to the complaint which has been lodged with the police station.

In view of the aforesaid, I direct the petitioner to pray for cancellation of bail before the learned District and Sessions Judge at Barasat, North 24-Parganas.

Ordinarily in case of challenging the perversity of the order, High Court will directly entertain the prayer for cancellation of bail. So far as the supervening circumstances are concerned, the court which granted bail should first consider regarding the genuinity of the allegation relating to the complaint lodged with the police station.

In view of the aforesaid, I direct the petitioner to take out an application before the learned District and Sessions Judge at Barasat, North 24-Parganas within a period of fifteen days from date.

The learned Sessions Judge would issue notice to the affected parties and thereafter dispose of the application for cancellation of bail within 45 days from filing of the said application.

With the aforesaid observations, the application being CRM (SB) 41 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 with all requisite formalities.

(Tirthankar Ghosh, J.)