

27.03.2023
Sl. No.97
akd

C. R. M. (DB) 1137 of 2023

In Re : An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure filed on 17.03.2023 :

A N D

In Re : Afreen Ishrat

..... Petitioner

Mr. Suman Chakraborty

... .. for the petitioner

Petitioner has assailed order dated 09.11.2022 passed by the learned Chief Judicial Magistrate, Alipore, South 24-Parganas enlarging opposite party no.2 herein on bail.

It is contended on behalf of the petitioner that the opposite party no.2 was arrested on 07.11.2022 and released on 09.11.2022 without considering the gravity of the offence. He is threatening the petitioner.

We have considered the materials on record. Learned Magistrate had considered the materials on record including the applicability of the offence punishable under Section 307 of the Indian Penal Code. In the impugned order it is noted that the petitioner was residing separately since July, 2021 and the FIR came to be registered more than a year later. Medical documents with regard to the alleged assault in September, 2022 do not disclose grievous injury. Hence, allegation under Section 307 IPC is not corroborated by materials on record. Order is a well reasoned one and does not call for interference on merits.

With regard to the allegation of misuse of liberty we note that the said allegations are general, omnibus and bereft of material particulars.

Hence, we are not inclined to cancel the bail granted to opposite party no.2 herein.

In the event there is any allegation of misuse of liberty in future, it shall be open to the petitioner to seek appropriate relief before the trial court in accordance with law.

CRM (DB) 1137 of 2023 is thus disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)