

11.04.2023
Sl. No.86
akd

C. R. M. (DB) 1440 of 2023

In Re : An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure filed on 03.04.2023 :

A N D

In Re : Shahar Bano Azad

..... Petitioner

Mr. Angshuman Chakraborty
Mr. Shashanka Shekhar Saha
... .. for the petitioner

It is submitted on behalf of the petitioner that gravity of the offence was not considered while granting bail to opposite party nos.2 & 3. Husband of the petitioner suffered extensive injuries on the hand and other parts of the body.

We have considered the materials on record. Learned Judge had considered the materials in the case diary including the injury report. He noted that the injury was on non-vital part of the body and victim has been discharged from the hospital. Opposite party nos.2 and 3 were in custody for about three weeks and had been interrogated. Further detention for the purpose of investigation was not necessary and they were enlarged on bail.

In view of the aforesaid circumstances, it cannot be said that the learned Magistrate had not applied its mind to the relevant factors while considering the bail prayer.

With regard to allegation of misuse of liberty it is open to the petitioner to approach the learned Magistrate for necessary relief.

With the aforesaid observations, CRM (DB) 1440 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

