

25.04.2023
tkm/ct 28
sl no. 61

C.R.M. (DB) 1656 of 2023

In Re : An application for cancellation of bail under section 439 (2) of the Code of Criminal Procedure

And

In Re : Sushanta Giri

..... petitioner

Mr. H K Mahata
Ziaul Hsquq
Mr. K Das

..... for the petitioner

Order dated 17.06.2022 granting bail to opposite parties has been assailed.

Learned lawyer for the petitioner submits his wife suffered acid attack injuries. Without considering gravity of the offence bail was granted. Hence, their bail may be cancelled.

We have considered the materials on record. Learned Magistrate considered the injury report as well as the statement of the doctor. Medical report with regard to nature of injury was also not available. Victim was hospitalized for a day only. Charge sheet has been filed under section 325 IPC.

In the backdrop of the aforesaid facts and the period of detention suffered by opposite party nos. 2 to 5 herein were released on bail. We find that the order is a well-reasoned one and does not call for interference. Hence, we are not inclined to cancel bail of opposite parties.

In the event, opposite party nos. 2 to 5 misuse their liberty or intimidate witness, it shall be open to the petitioner to renew his prayer for cancellation of bail before the trial court in accordance with law.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)