

03.05.2023
tkm/ct 28
sl no. 70

C.R.M. 5181 of 2021

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

And

In Re : Nishant Kumar Nirbhay petitioner

Mr. Satadru Lahiri
Mr. V Singh

.....for the petitioner

It is contended on behalf of the petitioner that notice was not
issued in terms of section 15A of the SC & ST Act and bail was
granted.

Inspite of service nobody appears for opposite parties.

We find much force in the aforesaid submission.

Accordingly, we remand the matter for reconsideration of the
bail application upon notice to the petitioner. Bail application shall
be reconsidered within 30 days from the date of communication of
this order.

Till disposal of the bail application, opposite party nos. 2 and
3 shall continue on interim bail.

The aforesaid arrangement is *ad hoc* and would not have any
bearing on the merits of the bail application which shall be
reconsidered independently and upon hearing the petitioner and
opposite parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)