

25.04.2023.
69.
Ct.No.28.
as

C.R.M. 3747 of 2017

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

In the matter of : Smt. Punam Roy @ Sharma.
... Petitioner.

Nobody appears.

We have considered the materials on record. Bail was granted to the opposite party No.2 in January, 2017 after considering the case diary including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

In the petition, it is contended that the opposite party no.2 had surrendered before the Magistrate on 21st August, 2015 and thereafter left the court room although his prayer for bail was rejected. A separate criminal case was registered against him. Conduct of the opposite party no.2 is not appreciable. However, his complicity in the crime was considered by the Magistrate while granting bail. Much water has flown down the river since then.

Under such circumstances, we are not inclined to cancel the bail granted to the opposite party.

Accordingly, the application is dismissed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

