

10.10.2023

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CRM (DB) 1977 of 2023

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

AND

In Re : XXX (mother of the victim girl) petitioner

Mr. Satadru Lahiri
Mr. Sumit Kumar Dey
Mr. Safdar Azam
Mr. Syed Wasim Faruque
Mr. Joytirmoy Talukder
.... for the petitioner

Mr. Deepak Prahladka
Ms. Reshmi Khatun
.... for the opposite party no.2

Mr. Ranabir Roy Chowdhury
Mr. Sandip Chakraborty
.... for the State

1. Bail was granted in an offence involving penetrative sexual assault on a minor. No opportunity of hearing was given to the victim. In view of the aforesaid, this Court had suspended the order of bail and directed opposite party no.2 to surrender and pray for regular bail afresh.

2. We are informed in terms of our earlier order opposite party no.2 had surrendered before the trial court.

3. In the light of these aforesaid developments nothing survives in the application.

4. CRM (DB) 1977 of 2023 is accordingly, disposed of.

5. Opposite party no.2 shall be at liberty to pray for bail afresh in accordance with law upon due notice to the victim.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

