

Item No.425
Ct.No.34
dc.

C.R.M. (SB) 121 of 2023

In Re : An Application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure, 1973.

And

In Re : **Md Jahid** ... Petitioner.

Mr. Moyukh Mukherjee,
Mr. Koustav Lal Mukherjee ... For the Petitioner.

Mr. Arijit Ganguly,
Ms. Debjani Sahu ... For the State.

Affidavit-of-service filed in Court today be kept on record.

Report dated 02.08.2023 submitted by Mr. Arijit Ganguly, learned advocate appearing for the State be kept on record.

The said report reflects that there is another case which has been registered against the accused persons being Bauria Police Station Case No. 115 of 2023 dated 10.07.2023.

Mr. Mukherjee, learned advocate appearing for the petitioner submits that the learned Additional Chief Judicial Magistrate, Uluberia without considering the case diary granted bail to the accused person. The bail was a permanent bail and not even an interim bail.

I find that in respect of other accused person anticipatory bail has been granted. Having considered the totality of the circumstances including the order passed by the learned Additional Chief Judicial Magistrate, Uluberia on 06.06.2023, I direct that for the purposes of investigation, it

would be enough if the opposite party no.2 is available at the residence for interrogation on every Wednesday till the charge-sheet is submitted by the investigating officer before the jurisdictional court.

In view of the passage of time which has passed, the order of bail is not interfered with. However, the conduct of the opposite party no.2 is not encouraging in view of the subsequent case being registered. In case there are further complaints, the learned Magistrate would be entitled to cancel the bail without any reference to this Court.

With the aforesaid observations, the application being CRM (SB) 121 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)