

29.09.2023.
84.
Ct.No.28
as

C.R.M. (DB) 3222 of 2023

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

In Re : **Narayan Chandra Roy.**

... Petitioner.

Md. Abdur Rakib,
Mr. Jnip Bose.

...for the Petitioner.

Mr. Avik Ghatak,
Mr. A. Rakshit.

...for the Opposite Party Nos.2 & 3.

Mr. Debabrata Chatterjee, Id. A.P.P.,
Md. Kutubuddin.

...for the State.

1. Order dated 14.06.2023 passed by the learned Chief Judicial Magistrate, Malda granting bail to the opposite party Nos.2 and 3 has been assailed. It is contended learned Magistrate failed to consider the victim lady had been murdered.

2. Learned Advocate for opposite party Nos.2 and 3 submits they are the mother-in-law and brother-in-law of the housewife respectively. Charge sheet has been filed against them under Sections 498A/34 IPC only.

3. We have considered the materials on record. Opposite party Nos.2 and 3 are the in-laws of the housewife. Charge sheet has been filed against them under Sections 498A/34 and not under Section 302 IPC.

4. Under such circumstances, we are not inclined to cancel the bail to opposite party Nos.2 and 3. Opposite party Nos.2 and 3 shall regularly appear before the trial Court and shall not delay the proceeding or seek unnecessary adjournment.

5. In the event they do so, it shall be open to the trial Court to cancel their bail in accordance with law.

6. Accordingly, the application is, thus, disposed of.

(Partha Sarathi Sen,J.)

(Joymalya Bagchi, J.)