

22.08.2023
tkm/ct 28
sl no. 61

C.R.M. 9259 of 2019

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

And

In Re : Isharat Jahan

..... petitioner

Mr. Pratip Chatterje

Mr. Kuntal Ray

..... for the petitioner

Ms. Z N Khan

Md. Kutubuddin

..... for the State

Mr. Kunal Ganguly

..... for the OP nos. 2 to 21

1. Report with regard to status of the proceeding before the trial court is placed on record.
2. Some of the co-accused have been discharged and date has been fixed for recording prosecution evidence.
3. Learned lawyer for the petitioner submits learned Judge did not consider the injury report and the gravity of the offence.
4. We have considered the materials on record. We have also perused the injury report. Four years have lapsed since grant of bail to the opposite parties-accused. They have not misused their liberty. Allegation with regard to misuse of liberty is awfully vague. Some of the co-accused have been discharged. Credibility of the allegation and involvement of the opposite parties-accused may be thrashed out during trial. Date has been fixed for recording prosecution evidence.
5. Under such circumstances we do not find any reason to set aside the order granting bail to opposite parties-accused.
6. Trial court shall proceed with the trial with utmost expedition.

(Rai Chattopadhyay, J.)

(Joymalya Bagchi, J.)