

27.04.2023
tkm/ct 28
sl no. 64

C.R.M. 11047 of 2018

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

And

In Re : Khodeja Bibi petitioner

Mr. Bitasok Banerjee

.....for the petitioner

Mr. M Sur

Mr. D Paramanick

.....for the State

Opposite parties were enlarged on bail in May 2018. It is
contended statement of wife of the deceased under section 164
Cr.P.C was not considered. It may be relevant to note that the FIR
did not name the accused. Subsequently, the names transpired in
the said statement under section 164 Cr.P.C. Learned judge
observed there is possibility of incorporation of the said names as
an afterthought. This issue requires to be thrashed out during trial.
Order granting bail cannot be said to be an unreasoned one. About
five years have passed since then.

Hence, we are not inclined to cancel the bail.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)