

30.01.2023
Sl. No.77
akd

C. R. M. (DB) 4209 of 2022

In Re : An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure filed on 23.11.2022 :

A N D

In Re : Baby Bibi

..... Petitioner

Ms. Ankita Bose

... .. for the petitioner

Mr. Sujoy Sarkar

... .. for opposite party no. 2

Ms. Zareen N. Khan

Mr. Ashok Das

... .. for the State

Petitioner has assailed order dated 11.08.2022 enlarging opposite party no.2 on bail.

In the petition, it is averred that the learned Judge failed to consider the gravity of the offence and enlarged opposite party no.2 on bail.

Gravity of the offence and the materials collected during investigation are relevant for consideration of bail. Perusal of the impugned order shows the court had considered the contents of the case diary and noted there was more than four months of delay in lodging FIR. Delay in lodging FIR impacts the credibility of accusation. It cannot be said that the learned Judge was oblivious of the facts of the case. He also noted that investigation is complete.

Under such circumstances, we are not inclined to interfere with the impugned order dated 11.08.2022 granting bail to opposite party no.2 herein.

CRM (DB) 4209 of 2022 is thus disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

