

01.05.2023.
86.
Ct.No.28.
as

C.R.M. 7843 of 2020

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

In the matter of : Nabirali Sardar.

... Petitioner.

Mr. Somopriyo Chowdhury,
Mr. Dipayan Dan.

...for the Petitioner.

Mr. Neguive Ahmed, Id. A.P.P.,
Ms. Amita Gaur.

...for the State.

Order dated 5.9.2020 has been assailed. It is contended that the Sessions Judge-in-charge relied on an alibi to enlarge opposite party No.2 on bail.

We have considered the materials on record. Investigation had concluded. Considering the defence plea of alibi, bail was granted. About three years have lapsed since then. Correctness of the alibi may be gone into during trial.

Under such circumstances, we are not inclined to cancel the bail.

Accordingly, the application for cancellation of bail is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

