

18.04.2024.

111.

Ct. No.28

Bd/SB.

C.R.M. (DB) 746 of 2024

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

In the matter of : **Sibaprasad Jana**

... petitioner

Mr. Mrinal Kanti Mukherjee

Mr. Gourab Kumar Nath

... for the petitioner.

Ms. Amita Gaur

Ms. Saila Afrin

... for the State

1. Heard the learned lawyers for the parties.
2. Bail was granted by the jurisdictional magistrate. The bail has been assailed on the principal ground that opposite party nos. 2 and 3 are threatening witnesses.
3. That apart learned counsel for the petitioner argues that co-accused was in custody for thirty days and warrant of arrest was issued against the opposite party nos. 2 to 4.
4. This ground is not convincing and does not merit cancellation of bail.
5. The jurisdictional Magistrate took into consideration the facts and circumstances of the case particularly, the fact that charge sheet had been filed and custodial interrogation for progress of investigation was not necessary.

6. With regard to the allegation of misuse of liberty that is threat held out by O.P. Nos. 2 to 4, we are of the opinion that petitioner may agitate such issue before the Court who granted the bail.
7. In view of the aforesaid, we direct in the event, the application for cancellation of bail is filed before the learned Magistrate on the ground of misuse of liberty the same shall be disposed of as expeditiously as possible.
8. With this observation, the application is disposed of.

(Gaurang Kanth,J.)

(Joymalya Bagchi, J.)