

22.02.2024
Item No.46
Ct. No. 29
CHC

C.R.M.(DB) 1189 of 2023

In Re:- An application under Section 439(2) of the Code of Criminal Procedure, 1973 for cancellation of bail.

And

In the matter of : Sk Kabir Ali

..... petitioner

Mr. Kaustav Roy

....for the petitioner

Md. Anwar Hossain,

Ms. Sreyashee Biswas

....for the State

Mr. Sekhar Kr. Basu, Sr. Advocate

Mr. Angshuman Chakraborty,

Mr. S. S. Saha

....for the opposite party no.2

Adjournment is prayed for on behalf of the petitioner.

Prayer for adjournment is opposed on behalf of the opposite party no.2 on the ground that previous adjournment was obtained and that his client is being harassed.

State is represented.

On previous occasion no doubt adjournment was granted to the petitioner.

In view of the opposition to the prayer for adjournment, we are unable to accede to the request for adjournment.

Learned advocate appearing for the petitioner is requested to proceed with the matter.

Learned advocate appearing for the petitioner submits that he is unable to do so.

Order granting anticipatory bail dated March 4, 2023 is impugned in the instant proceeding.

We perused such order, we find that the learned jurisdictional Court considered the materials in the Case Diary and found that the victim committed suicide. Learned jurisdictional Court also returned a finding that there was no reason for custodial interrogation of the opposite party no.2.

Apparently, the victim committed suicide. As to whether the petitioner abetted such commission may be decided at the trial.

In such circumstances, we find no infirmity in the impugned order warranting cancellation of the anticipatory bail granted.

CRM(DB) 1189 of 2023 is dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)