

21.02.2024
tkm/ct 28
sl no.64

C.R.M. (DB) 3390 of 2023

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

And

In Re : Sayema Bibi petitioner

Ms. M Gomes
Mr. A Ahammed
Ms. Dona Sanyal

..... for the petitioner

Mr. N Ahmed
Ms. Ayantika Roy

..... for the State

Mr. S Das Mahapatra
Ms. S Laskar
Ms. M Sinha

..... for OP nos. 2 & 3

1. Petitioner contends opposite party no. 2 had intimidated him and other witnesses. A separate case was registered over such allegation. Hence, she prays for cancellation of bail in the present case.
2. Learned lawyer for opposite party no. 2 submits opposite party no. 3 was in custody in another case at the material point of time. Hence, allegation of misuse of liberty by him is wholly unfounded. Opposite party no. 2 was arrested in the subsequent case registered over similar allegation and has been enlarged on regular bail. Thereafter, there is no allegation of misuse of liberty by him.
3. We note allegation of misuse of liberty by opposite party no. 3, who was in custody in another case at the material point of time, is unfounded. Opposite party no. 2 has already been released on bail in the subsequent case registered over similar allegation. No further allegation has been levelled

against him thereafter. Hence, cancellation of bail of the opposite party nos. 2 and 3 is not warranted.

4. CRM (DB) 3390 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)