

08.01.2024.
64.
Ct.No.28
as

C.R.M. (DB) 4788 of 2023

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

In Re : **Gobinda Das.**

... Petitioner.

Mr. Mahammad Mahmud,
Mr. M. S. Mollah.

....for the Petitioner.

1. Orders dated 04.10.2023 and 07.10.2023 granting bail to opposite party/accused Nos.2 and 3 has been assailed. Petitioner is the husband of opposite party No.2. He alleges opposite party No.2 had developed extra marital relationship with opposite party No.3. It is alleged in the First Information Report on 12th September, 2023 petitioner had discovered a bag containing various valuables kept in the room of his neighbour. He came to know that opposite party No.3 had run away from the spot. He also suspected that on that day the opposite parties had planned to murder him.

2. Plain reading of the First Information Report would show that opposite parties/accused had conspired to murder the petitioner is a matter of inference. Petitioner had not been attacked nor did he suffer injuries.

3. In view of the aforesaid circumstances, opposite parties/accused have been enlarged on bail by the learned Magistrate. Even if the allegations are believed to be true, we are of the view there is no reasonable ground to believe that

the uncontroverted allegations disclose ingredients of offence under Section 307 of the Indian Penal Code.

4. Under such circumstances, we are not inclined to cancel the bail of the said opposite parties.

5. Accordingly, the application is, thus, disposed of.

(Gaurang Kanth,J.)

(Joymalya Bagchi, J.)