

08.05.2025
Court No.652
Item No.22
Sudipta

**CRR 805 of 2025
With
CRAN 1 of 2025
(not in file)**

**P. Sashi @ S. Sagar
Vs.
The State of West Bengal & Anr.**

Mr. Soumyajit Das Mahaparta
...for the petitioner.

Mr. Sardar Shahin Imam
Ms. Sonali Bhar
...for the State.

Mr. Amit Ranjan Pati
Ms. Swastika Chowdhury
...for the opposite party no.2.

1. During the course of submissions, learned counsel appearing for the opposite parties submits that the mater may be remanded back to the learned Sessions Judge, Pacshim Medinipur, to consider the bail cancellation application of the petitioner in Kharagpur Town Police Station Case no. 372 of 2024 dated 1st June, 2024, under Sections 126(3)/115(2)/109(1)/3(5) BNS.
2. The perusal of the impugned order indicates that the learned Sessions Judge has predominantly cancelled the bail, on the ground that the learned Sessions Court had rejected the bail twice before the bail being granted by the learned ACJM, Kharagpur. However, the impugned order is totally silent about the merits of the case.

3. The Court considers that the learned Sessions Judge, while considering the application, should have taken into account all the facts and circumstances. It is a settled proposition that jurisdiction of cancellation of bail has to be exercised in the circumspect manner and the bail is to be cancelled only in the exceptional and supervening circumstances. The Court considers the reasons in judicial order are its lifeline and judicial order devoid of reason cannot be sustained.
4. In these circumstances, the impugned order no. 03 dated 14th February, 2025 is set aside with a direction to decide Cr. Misc. Case no. 224 of 2025 for cancellation of bail afresh in accordance with the law.
5. The learned Sessions Judge shall afford the opportunity of hearing to the parties. It is made clear that this Court has not gone into the merits of the case and no expression made therein shall tantamount to be an expression on the merits of the case. Till the application for cancelation of bail is decided/disposed of by the learned Sessions Judge. The operation of order no. 03 dated 14th February, 2025 shall remain stayed.
6. Learned Sessions Judge shall decide the application expeditiously preferably within six weeks.
7. Department is directed to sent the copy of the order to the learned Trial Court.

8. The revisional application being CRR 805 of 2025 stands disposed of.
9. CRAN 1 of 2025 also stands disposed of.
10. All parties shall act on the basis of the server copy of this order duly downloaded from the official website of this Court.

(Dinesh Kumar Sharma, J.)