

25.03.2025
Court No. 26
Item No. 86

CRM (DB) 917 of 2025

Rohan

In Re:- An application for cancellation of Anticipatory Bail under Section 438 (2) of the Code of Criminal Procedure, 1973 and corresponding Section 483 (3) of the Bharatiya Nagarik Suraksha Sanhita, 2023;

And

In the matter of : **Nargis Sultana.**

...Petitioner

Mr. Kaushik Choudhury,
Ms. Irina Mullick.

... for the petitioner.

Ms. Amita Gaur,
Ms. Sujata Das.

... for the State.

1. Petitioner prays for cancellation of order dated November 18, 2024 passed in Criminal Misc. Case No. 4740 of 2024.
2. Learned advocate appearing for the petitioner submits that there are perversities in the order granting bail. He submits that the injury suffered by the de-facto complainant was not taken into consideration and that, the application in which the bail was granted was the third application. The rejections of the earlier two applications were suppressed.
3. State is represented.
4. The injury report of the de-facto complainant is annexed to the application for cancellation. Injury suffered was classified as simple. De-facto complainant suffered two scratch marks on the neck. De-facto complainant was advised x-ray of the soft tissue of the neck

and also the right hand.

5. Petition of the de-facto complainant which we are considering presently does not contain any x-ray report to suggest that the de-facto complainant suffered any fracture.
6. Learned Jurisdictional Court took into account the period of marriage and the fact that other family members were enlarged on bail. Learned Jurisdictional Court did not find it necessary to detain the petitioner any further.
7. Learned Jurisdictional Court, however, proceeded on the premise that the de-facto complainant refused to be medically examined. However, the petition for cancellation contains an injury report as noted above.
8. Learned Jurisdictional Court also noted that no previous application for anticipatory bail stood rejected or was pending.
9. The order of the learned Jurisdictional Court, however, contains reason as to why the private opposite party before us was enlarged on anticipatory bail.
10. We are not minded to interfere with such order.
11. Accordingly, **CRM (DB) 4216 of 2024** is **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

