

03.03.2025

Serial no.109

Dd

CRM (DB) 808 of 2024

In re : An Application for cancellation of Bail under Section 439(2) of the Code of Criminal Procedure, 1973.

-And-

In the matter of : XXXX

... ...Petitioner

Ms. Jhuma Sen,
Ms. Swastika Chatterjee,
Mr. Samsul Laskar,
Ms. Arpita De, Advocates
... ... For the Petitioner

Ms. Zareen N. Khan,
Mr. Nirupam Dhali, Advocates
... ...For the State

Mr. Pronojit Roy,
Mr. Ashutosh Mondal, Advocates
... ...For the private Opposite Party No. 2

1. Petitioner seeks cancellation of bail granted by the jurisdictional Court on November 14, 2023.
2. State and the private opposite party are represented.
3. Prayer for anticipatory bail of another co-accused was rejected by the High Court on February 20, 2024 in CRM(A) 5659 of 2023.
4. Jurisdictional Court, by the impugned order took into account the period of detention of the private opposite party and the progress of the investigations. Jurisdictional Court found that keeping the private opposite party behind the bar would not serve any fruitful purpose. In such circumstances, trial Court proceeded to grant bail to the private opposite party.
5. Post bail misconduct is not established. Exercise of discretion vested in the Trial Court by law cannot be said to be perverse.

6. In such circumstances, we find no compelling reason to interfere with the order granting bail.
7. CRM (DB) 808 of 2024 is accordingly **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)