

12.03.2025
Item No.83 with 84
Ct. No. 26
CHC

C.R.M.(DB) 524 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 : Basabendra Maity

..... petitioner

With

C.R.M.(DB) 1051 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 : Basabendra Maity

..... petitioner

Mr. Sekhar Kumar Basu, Senior Advocate

Mr. Soubhik Mitter, Advocate

Ms. Shyanti Poddar, Advocate

Mr. Sayan Das, Advocate

....for the petitioner in CRM(DB) 524 of 2024

Mr. Rudradipta Nandy, Ld. A.P.P.

Ms. Sanjida Sultana, Advocate

....for the State

Mr. Sekhar Kumar Basu, Senior Advocate

Mr. Soubhik Mitter, Advocate

Ms. Pranidhi Singh, Advocate

....for the petitioner in CRM(DB) 1051 of 2024

Mr. Sandipan Ganguly, Senior Advocate

Mr. Abdul Hamid Molla, Advocate

Mr. M. Mukherjee, Advocate

Mr. Sahil Hamid, Advocate

Ms. Nupur Chaudhuri, Advocate

Md. Abdul Halim, Advocate

...for the private opposite parties

1. Petitioner seeks cancellation of bail granted by the Learned Additional Sessions Judge in CMC No.21 of 2024 on January 18, 2024 and in CMC 195 of 2024 on March 13, 2024.
2. Learned advocate appearing for the private opposite parties submits that applications for bail were rejected by the Court previously. There was no material change in circumstances. He questions the propriety of the order granting bail. He submits that, 14 injuries were suffered by the injured. Such injuries were not taken into consideration by the learned Court granting bail. He submits that, the gravity of the offence and the involvement of the private opposite parties were not considered.
3. Learned advocate appearing for the petitioner submits that, a writ petition was required to be filed. There was reign of terror at the locale. He refers the order passed by the learned court from time to time.
4. Learned advocate appearing for the petitioner submits that, the victim was an advocate by profession. She was appearing as an advocate for her husband in respect of property disputes in which, the private opposite parties were involved.
5. State and the private opposite parties are represented.

6. Report as called for by the order dated March 3, 2025 filed in Court be taken on record.
7. Report of the State does not speak of any post bail misconduct of the private opposite parties. Subsequent to the order of bail granted in favour of the private opposite parties on January 18, 2024 by the Learned Additional Sessions Judge, coordinate Bench granted bail to the other coaccused. There is no application for cancellation of the bail granted to such coaccused.
8. So far as the present application is concerned, learned Additional Sessions Judge while granting bail to the private opposite parties took into consideration the incident that occurred. Learned Judge noted that, there was an incident of quarrel and thereafter, an assault where, the husband of the victim was initially assaulted. Victim intervened in such assault whereupon she suffered injuries. She was removed to the hospital where, she succumbed to death.
9. Court is informed that, next date fixed is for the purpose of framing of charges.
10. Since coordinate Bench granted bail to other coaccused and since there is no application for cancellation of such bail, and since we find that order dated January 18, 2024 in CMC No.21 of 2024 and order dated March 13, 2024 in CMC 195 of 2024 cannot be said be perverse, we are not

minded to cancel the bail granted in favour of the private opposite parties.

11. CRM(DB) 524 of 2024 with CRM(DB) 1051 of 2024 are **dismissed.**

(Debangsu Basak, J.)

(Smita Das De, J.)