

28.07.2025
Item no.17(DL)
Court No.42
srm

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M.(M) 318 of 2025

In Re: An application under Section 439(2) of the Code of Criminal Procedure, 1973/corresponding to Section 483(3) of the Bharatiya Nagarik Suraksha Sanhita, 1973.

In Re : XXX

.... Petitioner.

Mr. Bibaswan Bhattacharya,
Ms. Mamata Jana,
Ms. Suparna Chatterjee

...for the Petitioner.

Ms. Manisha Sharma,
Mr. Abhishek Verma

...for the State.

Affidavit-of-service filed on behalf of the petitioner is taken on record.

This is an application for cancellation of bail granted to opposite party no.2 by the learned Trial Court.

Learned Advocate for the petitioner submits that the learned Trial Court has erred in observing that the statement of the witnesses recorded during the course of investigation does not divulge of any offence committed by the opposite party No.2. Rather on going through the statement of the witnesses it would appear that the victim was taken away and was sexually assaulted by the opposite party No.2 and three others which led to commission of suicide by the victim. Therefore, he seeks for cancellation of the bail granted to the opposite party No.2.

Learned Advocate for the State also submits that there are evidence of abetment to suicide against the opposite party no.2

and therefore the bail granted in favour of the opposite party No.2 by the learned Trial Court should be cancelled.

Despite service, none appears on behalf of the opposite party No.2.

Perused the case diary and the materials on record.

The statement of the brother of the victim recorded under Section 164 Cr.P.C. shows that the victim was kidnapped and sexually harassed. The statement of the victim recorded under Section 161 Cr.P.C. shows that the victim and the opposite party No.2 had love affairs and there was a pressure from the side of the opposite party No.2 for solemnization of marriage. Be that as it may, the *post mortem* report shows that the death was due to effects of hanging and *ante mortem* in nature. There are no such notable injuries noted in the *post mortem* report which has been conducted subsequent to the date of death. Whether the opposite party No.2 abetted the suicide by the victim and the relevant circumstances may be examined and tested in trial. Hence, this Court does not find any impropriety or perversity in the order granting bail to the opposite party No.2.

Accordingly, the application for cancellation of bail being **CRM(M) 318 of 2025** stands dismissed.

Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)