

25.03.2025

DL-92
Court No.26
(Dismissed)
(AD)

CRM (DB) 1369 of 2024

In re: An application for cancellation of bail under Section 439(2) read with Section 482 of the Code of Criminal Procedure, 1973.

-And-

In the matter of : The State of West Bengal

... ..Petitioner

Mr. Suman De, Advocate

Mr. Debanshu Ghorai, Advocate

... for the petitioner-State

Mr. Amitabha Karmakar, Advocate

... for the opposite parties

1. Petitioner seeks cancellation of an order granting bail dated February 17, 2024 passed in Cr. Misc. Case No.45 of 2024.
2. Learned Advocate appearing for the State submits that, the learned jurisdictional Court did not take into account the materials in the case diary in the correct perspective. He submits that, the wearing apparel of the victim as well as the mobile phone and the sleeper of one of the legs of the victim were recovered from the bed room of the private opposite parties, on the leading statement made by the private opposite parties.
3. Learned Advocate appearing for the State draws the attention of the Court to two statements recorded under Section 164 of the Code of Criminal Procedure. He submits that, one person saw the victim entering into the room of the private opposite parties while the other saw the private opposite parties carrying a sack out of his

house on the next date. He submits that, the body was subsequently discovered in a different locality under the jurisdiction of a different police station.

4. Learned Advocate appearing for the State submits that, the grant of bail in such a factual matrix would send a wrong signal to the society.
5. Private opposite parties are represented.
6. Order granting bail is dated February 17, 2024.
7. There is no post-bail misconduct highlighted by the State for cancellation of the order granting bail.
8. Order granting bail contains elaborate reasons. One of them is the period of detention and the fact that, the case of the prosecution is based on circumstantial evidence.
9. View taken by the jurisdictional Court granting bail to the private opposite parties is a plausible one.
10. In such circumstances, we are not minded to interfere with such order.
11. **CRM (DB) 1369 of 2024 is dismissed.**

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)