

28.02.2025
149 & 150
Court No.26
S.D.
dismissed

CRM (DB) 1431 of 2024

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

-And-

In the matter of: Deepak Kumar Agarwal
... .. Petitioner

With

CRM (DB) 1430 of 2024

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

-And-

In the matter of: Deepak Kumar Agarwal
... .. Petitioner

Ms. Ayan Bhattacharya, Sr. Adv.,
Mr. Anirban Dutta
Mr. Shivam Bhimsaria
Ms. Akansha Singhania
... .. For the Petitioner
Mr. Aritra Bhattacharya
Mr. Dibyo Mukherjee
...For the Private opposite parties
Mr. Md. Adil Badr
Ms. Poulomi Bose
..For the State in C.R.M. (DB) 1431 of 2024
Md. Aammar Zaki
Mr. Prakash Mishra
...For the State in C.R.M. (DB) 1430 of 2024

Two applications for cancellation of bail are taken up
together as they emanate from the same police station case.

Cancellation of bail has been sought for in two
separate cases. One against the husband and other against

the in-laws who were granted bail by the Jurisdictional Court.

It has been submitted on behalf of learned advocate appearing for the petitioner that while granting bail, learned Jurisdictional Court did not consider the materials incriminating the opposite parties. It has also been submitted that the learned Jurisdictional Court did not consider that the petitioners were absconding for a considerable period after rejection their prayer for anticipatory bail.

Learned advocate appearing on behalf of the State refers to the materials in the case diary.

We have considered the materials in the case diary including the post mortem report and the statements recorded under Section 161 of the Cr.P.C. as well as under Section 164 of the Cr.P.C.

On perusal of the impugned order, it transpires that the private opposite parties were granted bail by the learned Jurisdictional Court on perusal of the materials in the case diary and in consideration of the materials in the charge sheet. The learned Jurisdictional Court was of the view that there was no justification for keeping the private opposite parties in custody.

Having considered the rival submissions and considering the materials placed before us, no case appears

to have been made out with regard to the post bail misconduct.

The two petitions for cancellation have been filed on the ground of perversity in the order granting bail.

Having considered the materials on record, we are not in a position to return a finding that the order granting bail to the private opposite parties was perverse and not founded on the materials in the case diary.

In such circumstances, we are not inclined to cancel the bail of the private opposite parties as sought for.

It is clarified that the observations made in this order are made only for the purpose of dismissal of the instant applications for cancellation of bail.

The applications being **C.R.M. (DB) 1431 of 2024** and **C.R.M. (DB) 1430 of 2024** are **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)