

03.03.2025
tkm/ct 28
sl no.81

C.R.M. (DB) 1507 of 2024

In Re : An application for cancellation of bail under section 439(2) of Cr.P.C

And

In Re : Mustafa Khan petitioner

Mr. Arnab Chatterjee
Mr. Ayan Kr. Boral
Ms. T Nag

...for the petitioner

Ms. Puja Goswami

...for the State

Mr. Sujoy Sarkar
Mr. Aniruddha Bhattacharya

...for the OP no. 2

1. Petitioner submits prayer for anticipatory bail of opposite parties was rejected earlier on merits on two occasions. In the third attempt they were granted anticipatory bail on the specious plea that investigation is complete.

2. Though we are not convinced with the reason given by the learned judge that conclusion of investigation is a legitimate mitigating circumstance to entertain subsequent prayer for pre arrest bail, we note opposite parties are on bail for more than two years and have not misused their liberty. Report submitted by the State also corroborates this fact.

3. Under such circumstances we do not consider it fit to cancel their bail

4. Application for cancellation of bail is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)