

05.03.2025

DL-37
Court No.26
(Dismissed)
(AD)

CRM (DB) 1646 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 : XXX (Victim Girl)

... ..Petitioner

Mr. Subrata Bhattacharyya, Advocate
Mr. Soumen Sarkar, Advocate
Ms. Shipra Santra, Advocate

... for the petitioner

Mr. Ranadeb Sengupta, Advocate
Ms. Sanjida Sultana, Advocate

... for the State

1. Memo of evidence submitted in Court be taken on record.
2. Petitioner seeks cancellation of bail granted by the jurisdictional Court on February 19, 2024.
3. Three grounds are canvassed so far as the cancellation of bail. First ground is that the victim was not notified prior to the bail being granted considering the fact that the police case relates to a crime against woman. Second ground is that, the learned Jurisdictional Court did not take into consideration the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. The third ground post-bail misconduct.
4. Materials placed on record do not suggest that the de facto complainant or the victim was notified prior to the grant of bail to the private opposite party. Nonetheless, we proceeded to examine whether or not the bail granted should be cancelled or not.

5. We find from the materials placed on record that, victim refused to undergo medical examination. Police case is one of attempt to rape her. Victim recorded her statement under Section 164 of the Code of Criminal Procedure. Her statement of injuries suffered in the scuffle is not corroborated by the medical evidence as the victim refused to undergo medical examination.
6. Complaint of post-bail misconduct is belied by the memo of evidence as the police conducted an enquiry at the locality and found the victim to be staying outside the State on her own accord and that, there was no single instance on behalf of the private opposite party of breach of peace.
7. In such circumstances, we do not find it appropriate to intervene with the order granting bail to the private opposite party.
8. **CRM (DB) 1646 of 2024** is **dismissed** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)