

03.03.2025

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C.R.M. (DB) 2001 of 2024

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

In Re: ***Nasima Banu.***

... .. Petitioner

Mr. Imran Ali

Mr. S. S. Saha

...for the Petitioner.

Mr. Rudradipta Nandy, Ld. A.P.P.

...for the State.

1. Petitioner has challenged the order granting anticipatory bail to opposite party Nos.2 to 5. He contends learned Judge failed to consider the gravity of offence and granted anticipatory bail to the said respondents/opposite parties on the ground they were female.

2. We have perused the order granting anticipatory bail to the said opposite parties. Learned Judge noted victim had suffered head injury due to hurling of bricks. Accordingly, he declined to grant anticipatory bail to the male accused who were more probable to have played a predominant role in the assault. Noting this fact he granted anticipatory bail to the women folk of the family.

3. We do not find any perversity in the distinction so made with regard to predominant participation of the men folk in the assault.

4. Hence, we choose not to interfere with the order granting bail to the opposite parties.

5. Accordingly, the application for cancellation of bail is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)