

D/L40

05.03.2025
Rohit
ct.no.26

C.R.M. (DB) 2089 of 2024

In Re: An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure, 1973/under Section 483(3) of the BNSS, 2023 in connection with Baghmundi Police Station Case No. 135 of 2023 dated 17.10.2023 under sections 302/201/34 of the Indian Penal Code adding Section 363/364/120B and Section 25 and 27 of the Arms Act.

And

In Re: **The State of West Bengal**

...Petitioner

Ms. Faria Hoosain, Ld. A.P.P
Mr. Anand Keshari

...for the petitioner

1. Application for cancellation is at the behest of the State.
2. Learned Advocate appearing for the State draws the attention of the Court to the order dated January 18, 2024 passed in Criminal Misc. Case No. 63 of 2024 granting bail to the private opposite party. He submits that, forensic science laboratory reports places both the private opposite parties at the scene of the murder by virtue of the fingerprints obtained from the vehicle where the dead body was recovered.
3. In response to a query of the Court, learned advocate appearing for the State submits that such FSL report was not before the jurisdictional court on January 18, 2024.

4. The jurisdictional court passed the order granting bail on January 18, 2024 after noting that, no specific allegation were against the private opposite party.
5. However as on date, there are materials on record to suggest that the private opposite parties were involved in the murder by virtue of the forensic evidence.
6. As on January 18, 2024 therefore, when the learned jurisdictional court passed the order granting bail, we cannot say that such order is vitiated by perversity as the FSL report was not on record. Today, the FSL report is on record.
7. Post bail misconduct is not a ground for cancellation.
8. In such circumstances, we are not minded to interfere with the order granting bail to the private opposite party. However we clarify that, prayers for bail of the co-accused will no doubt be considered on the basis of the materials on record against such co-accused.
9. **C.R.M. (DB) 2089 of 2024** is, therefore, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)