

12.03.2025

DL-66 wt67
Court No.26

(AD)

CRM (DB) 2852 of 2023

In re: An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure, 1973.

-And-

In the matter of : The State of West Bengal

... ..Petitioner

Mr. Madhusudan Sur, Ld. APP
Mr. Dipankar Paramanick, Advocate

... for the State.

With

CRM (DB) 118 of 2023

In re: An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure, 1973.

-And-

In the matter of : Md. Rahamuddulla @ Rahamatulla

... ..Petitioner

In Re.: **CRM (DB) 2852 of 2023**

1. This application is at the behest of the State.
2. Learned Advocate appearing for the State submits that, the learned Additional Sessions Judge, did not take into consideration material evidence available in the case diary which contained the forensic report establishing that the firearm seized from the possession of the opposite parties matched the bullet injury suffered by the victim. He submits that, statements of the eye-witnesses recorded under Section 164 of the Code of Criminal Procedure were not taken into account by the learned Additional Sessions Judge so also the criminal antecedents of the opposite parties.

3. None appears for the private opposite parties despite service.
4. We find from the records that, the bail to the private opposite parties was granted on December 13, 2022. Trial is in progress. The application for cancellation of bail was made on July 13, 2023 after a period of about six months. Application for cancellation of bail does not speak of any post-bail misconduct. Learned Additional Sessions Judge proceeded on the basis that, the evidence of the prosecution witnesses so far examined at the trial was not advantageous to the case of the prosecution.
5. In such circumstances, we are not minded to cancel the bail subsisting in favour of the private opposite parties.
6. **CRM (DB) 2852 of 2023** is **dismissed** without any order as to costs.

In Re.: **CRM (DB) 118 of 2023**

7. None appears for the parties in this application.
8. **CRM (DB) 118 of 2023** is **dismissed for default**.

(Debangsu Basak, J.)

(Smita Das De, J.)