

17.03.2025

DL-106

Court No.26

CRM (DB) 2223 of 2024

(Dismissed)

(AD)

In re: An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure, 1973 corresponding to Section 483(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

-And-

In the matter of : Victim Lady

... ...Petitioner

Mr. Pawan Kumar Gupta, Advocate

Mr. Kalyan Chatterjee, Advocate

... for the petitioner

Ms. Faria Hossain, Ld. APP

Ms. Sujata Das, Advocate

... ...for the State

Mr. Sutanuka Chowdhury, Advocate

... ... for the opposite party no.2

1. Petitioner seeks cancellation of order dated July 4, 2024 passed by the Learned Additional Sessions Judge granting bail to the private opposite party.
2. Learned Advocate appearing for the petitioner submits that, the allegations in the police complaint are serious in nature. A writ petition was required to be filed and thereafter only charges of rape and unnatural sex were added in the police case.
3. Learned Advocate appearing for the petitioner submits that, the private opposite party is guilty of post-bail misconduct. He draws the attention of the Court to the fact that, several police complaints were lodged and that, Writ Court passed order granting protection to the witnesses.
4. State and the private opposite party are represented.

5. After a marriage of about twenty years, the police complaint was lodged. The complaint was investigated into and charge sheet submitted. Court is informed that, the police case stands committed for trial.
6. So far as post-bail misconduct is concerned, the High Court in writ jurisdiction intervened to grant protection to the witnesses concerned. High Court did not find in such orders that the private opposite party is guilty of harassing or influencing any of the witnesses of the prosecution. Order granting bail is informed with reasons.
7. Learned Judge took into consideration the statement of witnesses as also the statement of the victim, medical examination report and other materials in the case diary.
8. We do not find any perversity in the order granting bail requiring our interference.
9. As noted above, post-bail misconduct is not of such nature so as to warrant cancellation of the bail subsisting in favour of the private opposite party.
10. In such circumstances, we find no merit in the present case.
11. **CRM (DB) 2223 of 2024 is dismissed.**

(Debangsu Basak, J.)

(Smita Das De, J.)