

03.03.2025
Serial no.66 & 68
Dd

CRM (DB) 3170 of 2023
with
CRM (DB) 3203 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 : Central Bureau of Investition
... ..Petitioner

Mr. Amajit De, Advocate
... .. For the Petitioner
Mr. Kaustav Bagchi,
Ms. Priti Kar,
Mr. Debayan Ghosh, Advocates
... ..For the opposite parties

1. Two applications for cancellation of bail made at the behest of the Central Bureau of Investigation (CBI) are taken up for analogous hearing as they emanate out of the same police case.
2. Post bail misconduct is one of the grounds canvassed before us by the applicant. The other ground is that, learned jurisdictional Court granted bail to the private opposite parties within 30 days from the date of their arrest without considering the gravity of the offence and the involvement of the private opposite parties in the incident of murder.
3. Police case relates to post poll violence. A person was murdered.
4. Learned jurisdictional Court considering the materials in the case diary as against the private opposite parties found that no specific material apart from some statements recorded under Sections 161 and 164 of the Criminal Procedure Code were collected by the Investigating agency. Apparently, private opposite parties

- were said to be part of an act of conspiracy without any active role being attributed to them in the murder.
5. We take into consideration the period spent for the trial to be concluded. We are informed that, there are about more than 35 prosecution witnesses to be examined out of which one prosecution witness was examined at the trial and the examination of the second prosecution witness is on going.
 6. Possibility of the trial concluding in the near future is remote.
 7. Learned advocate appearing for the CBI submits that one of the prosecution witnesses saw one of the private opposite parties who was asked not to enter into jurisdiction of the police station save and except for the purpose of employment in the locality at 7:30 pm in the evening. There is nothing on record that that such private opposite parties committed any criminal act post grant of bail. The statement of such witness also remains uncorroborated at the present. We are not in a position to accept such conduct of the accused as a valid ground for cancellation of bail granted to him.
 8. Moreover, it is contended on behalf of the private respondents that such condition stood waived by the jurisdictional Court.
 9. Purely on the principle of Article 21 of the Constitution of India, we are not minded to interfere with the order impugned.
 10. Consequently, CRM (DB) 3170 of 2023 and CRM (DB) 3203 of 2023 are **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)