

04.03.2025

DL-62 wt63
Court No.26
(Dismissed)
(AD)

CRM (DB) 3375 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 : Nasibun Bibi Waqf Estate
... ...Petitioner

Mr. Amitabha Ghosh, Advocate
Ms. Nabanita Chatterjee, Advocate
Ms. Arpita Dhar, Advocate
... for the petitioner

Mr. Satadru Lahiri, Advocate
Mr. Safdar Azam, Advocate
... for the private opposite party

With

CRM (DB) 408 of 2024

In re: An application for cancellation of bail under Section 439(2) read with Section 482 of the Code of Criminal Procedure, 1973.

-And-

In the matter of : The State of West Bengal
... ...Petitioner

Mr. Saibal Bappuli, Ld. APP
Mr. Bibaswan Bhattacharya
... for the State-petitioner

Mr. Satadru Lahiri, Advocate
Mr. Safdar Azam, Advocate
... for the private opposite party

1. Two applications for cancellation of bail are taken up for analogous hearing as they relate to the same police case. Both applications are directed towards the same order granting bail to one accused.
2. One person was enlarged on bail by the jurisdictional Court.

3. It is claimed as against such person that, he is an Afghan national.
4. The person to whom the bail was granted was extended such facility in the year 2023.
5. There is no post-bail misconduct so far as such person is concerned.
6. Nationality of such person is obviously an issue in the criminal case which we are informed is fixed for framing of charges. Foreign nationality of the accused is not conclusively established before us.
7. Possibility of the trial ending any time in the near future is bleak.
8. In such circumstances, we are not minded to interfere with the order granting bail to the private opposite party.
9. **CRM (DB) 3375 of 2023** and **CRM (DB) 408 of 2024** are **dismissed** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)