

03.03.2025
Item No.82
Monthly List
Court No. 26
CHC
Dismissed

CRM (DB) 3820 of 2023

In re : An application for **cancellation** of bail under Section 439(2) of the Code of Criminal Procedure, 1973, in connection with CBI/SCB/Kolkata Case No. RC0562021S0047 dated **12.11.2021** under Section 8 of the Protection of Children from Sexual Offences Act read with Sections 341/376/511/506/34 of the Indian Penal Code.

-And-

In the matter of : **Central Bureau of Investigation**
... ..**Petitioner**

Mr. Amajit De, Advocate
... .. For the Petitioner

Mr. S. B. Pathak, Advocate
Ms. Debjani Roy Choudhuri, Advocate
... ..For the opposite party nos. 1 and 2

1. Application for cancellation of bail is at the behest of Central Bureau of Investigation (C.B.I).
2. Learned advocate appearing for the C.B.I submits that, the learned jurisdictional Court did not take into account the gravity of the offence and the involvement of the private opposite parties therein in granting bail to the private opposite parties. He submits that, private opposite parties are implicated in rape.
3. Private opposite parties are represented.
4. Police case is dated November 12, 2021.
5. Charges are yet to be framed. Prosecution wishes to examine 37 witnesses.

6. Learned Jurisdictional Court took into consideration the requirement of custodial detention of the private opposite parties and found that, the same was not required and therefore, proceeded to grant bail to the private opposite parties.
7. A period excess of 3 and ½ years lapsed from the date of incident or at least the registration of the F.I.R without the trial commencing. Possibility of the trial concluding any time in near future is negligible.
8. No material is placed before us to suggest that, the private opposite parties are guilty of any post bail misconduct or misutilized the liberty granted to them.
9. In such circumstances, we are not inclined to interfere with the order granting bail to the private opposite parties.
10. CRM(DB) 3820 of 2023 is **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)