

28.02.2025

DL-95
Court No.26
(Dismissed)
(AD)

CRM (DB) 4025 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 : Sima Bibi

... ...Petitioner

Mr. Debapriya Samanta, Advocate

Mr. Samrat Ghosh, Advocate

Ms. Suhotro Palit, Advocate

... for the petitioner.

Ms. Sonali Das, Advocate

Mr. Shashanka Shekhar Saha, Advocate

... for the State.

Mr. S. Sardar, Advocate

Mr. Jahangir Hossain, Advocate

... for the private opposite parties.

1. Petitioner seeks cancellation of bail granted by the jurisdictional Court by order dated August 29, 2023 passed in GR 2017/2023.
2. State and the private opposite parties are represented.
3. Learned Advocate appearing for the petitioner submits that, the victims suffered grievous hurt. Eye sight of the right eye was impaired in the assault. Learned jurisdictional Court did not take into account the severity of the incident. He draws the attention of the Court to the order dated August 29, 2023 and submits that, the jurisdictional Court took into account a notification dated August 23, 2023 of the High Court. He submits that, such notification does not permit grant of bail in cases involving heinous crime.
4. We perused the order dated August 29, 2023 by which, the private opposite parties were enlarged on bail by the

jurisdictional Court. Jurisdictional Court granted bail after considering the injury of the victims and their medical status. Jurisdictional Court found that, the injured were in a fit and stable condition and discharged after treatment. Thereafter, the jurisdictional Court took into account a notification of the High Court dated August 23, 2023.

5. The notification dated August 23, 2023 was read and understood by the jurisdictional Court in a particular manner. Even if we are not to agree with such reading then also, the jurisdictional Court gave reasons as to the medical condition of the injured persons as also the period of detention of the private opposite parties and proceeded to grant bail after noting that, further custodial interrogation was not required for the purpose of investigation.
6. Reasons given by the learned jurisdictional Court are not established to be perverse.
7. In such circumstances, we find no merit in the present application for cancelation.
8. **CRM (DB) 4025 of 2023** is **dismissed** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)