

06.03.2025
Item No.186
Monthly List
Court No. 26
CHC

CRM (DB) 3532 of 2024

In re : An Application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure, 1973 read with section 483(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Manikchak Police Station Case No.291/20 dated 04.11.2020 under Sections 498(A), 306, 201 and 34 of the Indian Penal Code.

-And-

In the matter of : Pratima Sarkar

... .. Petitioner

Mr. Arunabho Jana, Advocate
Mr. Kazi M. Rahman, Advocate
... .. *For the Petitioner*

Mr. Madhusudan Sur, Ld. A.P.P.
Mr. Asif Dewan, Advocate
... ..*For the State*

Mr. Amitabha Karmakar, Advocate
Mr. Arup Kumar Bhowmick, Advocate
... ..*For the opposite parties*

1. Petitioner seeks cancellation of order granting bail dated August 19, 2024 passed in Crl.Misc.Case No.2577 of 2024 by the learned Sessions Judge, Malda.
2. Ground for cancellation is post bail misconduct.
3. Learned advocate appearing for the petitioner submits that, subsequent to the private opposite parties being enlarged on bail by the learned Sessions Judge, they threatened the de facto complainant. He refers to the complaint made to the Officer-in-Charge of the police station on September 3, 2024

and to the Superintendent of Police on September 5, 2024 in this regard.

4. State and the private opposite parties are represented.
5. Police filed charge sheet *inter alia* under Sections 498(A), 306, 201 and 34 of the Indian Penal Code, 1860.
6. Learned Sessions Judge proceeded on the basis of the gender of the private opposite parties and their age.
7. Court is informed that, initially charge sheet did not include Section 306 of the Indian Penal Code, 1860 which was included by supplementary charge sheet.
8. The issue as to whether the private opposite parties abetted in the commission of suicide may be decided at the trial.
9. Perversity of the order is not established. So far as post bail misconduct is concerned, the same is also not substantiated. There is no material to suggest that, petitioner took any steps subsequent to the two complaints dated September 3, 2024 and September 5, 2024 to the police.
10. In such circumstances, we are not minded to cancel the bail subsisting in favour of the private opposite parties.
11. CRM(DB) 3532 of 2024 is **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)