

24.03.2025

DL-93

Court No.26

CRM (DB) 3834 of 2024

(Dismissed)

(AD)

In re: An application for cancellation of bail under Section 482/439(2)/483 of the Code of Criminal Procedure, 1973 read with Sections 528/483(3)/529 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

-And-

In the matter of : XXXX, Victim Girl

... ..Petitioner

Mr. Partha Sarathi Das, Advocate

Mr. Kaushik Biswas, Advocate

Ms. Shanta Sarkar, Advocate

Ms. Souroja De, Advocate

... for the petitioner

Md. Anowar Hossain, Advocate

Mr. Subham Kanti Bhakat, Advocate

...For the State

Mr. Arup Kumar Bhowmick, Advocate

... for the private opposite parties

1. Petitioner seeks cancellation of bail granted by the learned Sessions Judge, Malda on September 6, 2024.
2. State and the private opposite parties are represented.
3. Learned Sessions Judge took into consideration that, the police case was registered subsequent to an order passed under Section 156(3) of the Code of Criminal Procedure. Moreover, the learned Judge noticed the period of time elapsed since the recording of the police case and the fact that, the de facto complainant did not record her statement under Section 164 of the Code of Criminal Procedure.
4. Learned Advocate appearing for the State submits that, the de facto complainant did not turn up to record such statement so

as to the State facilitating the de facto complainant to record such statement.

5. Post-bail misconduct is not established.
6. Perversity of the order is also not established.
7. In such circumstances, there is no ground made out to interfere with the order granting bail dated September 6, 2024 to the private opposite parties.
8. **CRM (DB) 3834 of 2024 is dismissed.**

(Debangsu Basak, J.)

(Smita Das De, J.)