

D/L100
03.03.2025
Rohit
ct.no.26

C.R.M. (DB) 4433 of 2023

In Re: An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure, 1973 in connection with Karaya Police Station Case No. 127 of 2023 dated 14.05.2023 under sections 302/34 of the Indian Penal Code.

And

In Re: **Zuber Khan @ Zubar Khan @ Bablu**

...Petitioner

Mr. Imtiaz Ahmed
Mr. Ghazala Firdaus
Mr. Imran Khan
Mr. Sk. Saidullah
Mr. Mithun Mondal
Mr. Md. Arsalan

...for the petitioner

Mr. Rudradipta Nandy, Ld. A.P.P
Ms. Z.N. Khan

...for the State

Mr. Jaydeep Biswas
Mr. Kaushik Ghosh

... for the O.P No.2

1. Petitioner seek cancellation of bail granted by the jurisdictional court on October 4, 2023.
2. Learned Advocate appearing for the petitioner submits that the impugned order is perverse. It does not take into account the materials on record. Learned jurisdictional court proceeds on a basis of an erroneous assumption of fact relating to the charge-sheet. He submits that there are materials on record which establishes that the private opposite party was instrumental in assaulting the victim to death.

3. State and the private opposite parties are represented.
4. Learned Additional Public Prosecutor draws the attention of the Court to a report dated March 2, 2025. He submits that the police received a complaint as against the private opposite party of trying to threaten the defacto complainant.
5. Learned Advocate appearing for the private opposite party submits his client changed his place of residence so that his client does not come in contact with the petitioner.
6. The contention of the State of post bail misconduct of the private opposite party remains unsubstantiated. The complaint was not even registered as a First Information Report. Date of the alleged incident is not specified.
7. Learned jurisdictional court proceeded to grant bail to the private opposite party on the basis of materials that the learned jurisdictional court thought appropriate. At this stage, we are not in a position to arrive at a conclusive finding that, discretion exercised by the learned jurisdictional court vested upon it by law is perverse.
8. Charges are yet to be framed. Possibility of the trial concluding any time in the near future is negligible.

9. In such circumstances, we are not minded to interfere with the order granting bail to the private opposite party.
10. **C.R.M. (DB) No. 4433 of 2023** is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)