

17.03.2025

DL-121

Court No.26

CRM (DB) 4245 of 2024

(Disposed of)
(AD)

In re: An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure, 1973 corresponding to Section 483(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

-And-

In the matter of : XXXX

... ...Petitioner

Ms. Reshmi Khatun, Advocate

... for the petitioner

Mr. Debasish Roy, Ld. PP
Mr. Soumik Ganguly, Advocate
Md. Ejaz Akhter, Advocate
...for the State

Mr. Navanil De, Advocate
Mr. Sobham Majumder, Advocate
Mr. Srinjan Ghosh, Advocate
... for the opposite party no.2

Mr. Humayaun Reza, Advocate

1. Petitioner seeks cancellation of bail granted by the order dated November 5, 2024.
2. Learned Advocate appearing for the petitioner submits that, the private opposite party obtained the order of bail by suppressing the fact that, an application for bail was filed at his behest before the High Court. Noticing such compliant, Coordinate Bench directed investigation by the CID. It transpired from such investigation that the application for bail was affirmed by the brother of the present petitioner. Coordinate Bench exonerated the learned Advocate appearing for the private opposite party in the bail application after

holding that the bail application before the High Court was not duly filed on behalf of such private opposite party.

3. In such conspectus, there is no valid application for bail filed at the behest of the private opposite party before the High Court.
4. Learned jurisdictional Court took into account the relevant factors while granting bail. Learned Court took into account the period of custody and the fact that the police filed charge sheet and proceeded to grant bail to the private opposite party.
5. Order granting bail cannot be said to be perverse. On the date when the order was passed, there was no valid application for bail filed at the behest of the private opposite party before the High Court.
6. In such circumstances, we find no ground to interfere with the order granting bail.
7. **CRM (DB) 4245 of 2024 is disposed of.**

(Debangsu Basak, J.)

(Smita Das De, J.)