

06.03.2025
Serial no.216(ML)
Dd

CRM (DB)/4439/2024

In re : An Application for cancellation of Bail under Section 483(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

-And-

In the matter of : KHALIDA BEGAM @ KHALIDA BIBI
... ...Petitioner

Mr. Navanil De,
Ms. Monami Mukherjee, Advocates
... ... For the Petitioner

Md. Zubair Alam,
Ms. Trina Mitra, Advocates
... ...For the State

Ms. Minoti Gomes,
Md. Hafiz Ali,
Mr. Debajyoti De, Advocates
... ...For the private Opposite Parties

1. Petitioner seeks cancellation of bail granted to the private opposite parties by the learned Additional Sessions Judge, Kandi, Murshidabad in CMC 455 of 2024.
2. Learned advocate appearing for the petitioner submits that the learned Judge did not consider the gravity of the offence. A person was murdered. She submits that, private opposite parties were involved in such murder.
3. State and the private opposite parties are represented.
4. Learned advocate appearing for the State draws the attention of the Court to the fact that, the private opposite parties subsequent to being enlarged on bail, threatened the de facto complainant and other witnesses of the present police case for which, proceedings under Section 115(2) of the BNSS was recommended.
5. Learned advocate appearing for the private opposite parties submits that, her clients may stay outside the local jurisdiction.

6. While granting bail, jurisdictional Court took into account existing property disputes and that, a hot altercation took place on the date of the incident which resulted in the assault and the ultimate death.
7. We are not minded to interfere with the order granting bail since, it cannot be said that the discretion exercised by the learned Judge granting bail is absolutely perverse. However, we take note of the post bail misconduct of the private opposite parties and modify the order granting bail to the private opposite parties by directing the private opposite parties to stay outside the jurisdiction of the local police station except for the purpose of attending the trial. Private opposite parties will inform the addresses at which they will be residing subsequent to this order to the local police station in which the police case stand registered.
8. CRM (DB)/4439/2024 is **disposed of** accordingly.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)