

13.02.2026

Court No.35.

M/L.653.

Rakib

CRM (DB) 392 of 2025

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 : Bablu Sk.

.....Petitioner.

Mr. Sabir Ahmed

Mr. Quazi Ezaz Ahmed

.....for the Petitioner.

Mr. Md. Anwar Hossain

Mr. Subhashis Dutta

.....for the State.

Learned advocate appearing for the petitioner has challenged the order of cancellation of anticipatory bail along with consequential order of granting bail. The order dated 21.11.2024 passed by the learned Sessions Judge, Murshidabad reflects that the four accused persons were granted anticipatory bail on the premises that the medical report reflected simple injuries.

I have perused the Case Diaries produced by the State and I find that in two of the reports it is reflected as simple injuries

Learned advocate for the petitioner emphasizes the orders dated 11.12.2024 and 14.01.2025 passed in WPA 27430 of 2024.

Having considered the same, I am of the opinion that there is an issue relating to the finding of simple injuries and the nature of injuries suffered by the victim. To that effect the application under Article 226 of the Constitution of India is still pending before the Constitutional Court. In case, the Constitutional Court arrives at a finding, particularly, with regard to the contents of the medical

report and the final opinion in the medical report, I am of the view that the petitioner would before the jurisdictional Magistrate take out an application for cancellation of bail. Learned Magistrate would take into account order passed by this Court and freshly decide the application for cancellation of bail.

With the aforesaid observations CRM (DB) 392 of 2025 is **disposed of.**

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)