

06.04.2026

Court No.35.

M/L. 83.

Kausik

CRM (DB) 352 of 2024

In Re: An Application for Cancellation of Bail under Section 439(2) of the Code of Criminal Procedure, 1973/Section 483(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

State of West Bengal

Vs.

Pranab Mete

Mr. Rudradipta Nandy

Ms. Amita Gaur

.....for the Petitioner/State.

State has preferred the application for cancellation of bail dated 01.06.2023 wherein the learned Additional District & Sessions Judge, Bolpur, Birbhum was pleased to allow the prayer for bail of the accused/respondent/opposite party.

It has been canvassed on behalf of the State that the case was registered on 04.03.2023 and the bail was granted on 01.06.2023 with the observations in a case under Section 302/201 of the Indian Penal Code that "*Perused the CS, the statement under Section 164 Cr.PC, seizure list, post mortem report and other reports collected by the IO.*"

It was also brought to the notice of the Court that the learned Sessions Court categorically observed that considering the nature of allegation, custodial trial was not warranted. Such observations of the learned Sessions Judge was uncalled for. A detailed examination and reflection should have been

there in the order dated 01.06.2023 to at least allow the superior court to assess what weighed with the learned Trial Court while granting bail.

Report submitted by the State reflects that, out of 24 witnesses cited by the prosecution, 15 witnesses have been examined. For more than 2 years and 9 months the petitioner is on bail. The report do not reflect that cognizable offence of such magnitude has recurred pursuant to the petitioner being released on bail. As such, I am not inclined to interfere with the order considering the advanced stage of the case. However, it would have been in the interest of justice that the learned Court should have exercised this discretion in a much more judicious manner by assigning appropriate reasonings while granting bail.

With the aforesaid observations CRM (DB) 352 of 2024 is disposed of at this stage.

Report submitted by the State be kept with the record.

Case diary be returned to the learned advocate appearing for the State.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)