

06.03.2026

Item No. M/L. 29
Ct.No.35
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M. (DB) 1469 of 2024

Nur Islam Sk.

versus

The State of West Bengal & Anr.

In Re: An Application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure, 1973.

Ms. Anasuya Sinha, APP,
Ms. Madhumita Basak

... For the State.

The application for cancellation of bail was earlier dismissed for default on 12.03.2025. Thereafter on an application preferred by the petitioner, the same was restored on 12.06.2025. Today, when the application has been called, none appears on behalf of the petitioner.

Learned advocate for the State is present.

Petitioner has prayed for cancellation of the order granting bail to the opposite party no.2 herein by the Hon'ble Division Bench of this Court on 08.04.2024 in CRM(DB) 1042 of 2024. The order itself reflects that while granting bail, the Court had the occasion to peruse and consider the statement of the witnesses and there were findings prior to the bail being granted. Such findings were on merits of the case which tilted in favour of the accused/opposite party no.2 herein. As such, it is difficult for a Court on similar jurisdiction to consider the perversity of any order of a Court presiding over similar determination.

So far as the other issues are concerned, I am of the opinion that the same should be canvassed before the jurisdictional court.

Needless to state that the case is under Sections 302/120B of the Indian Penal Code and under Section 4 of the Explosive Substances Act.

Having regard to the gravity of the offence, I direct that in case the opposite party no.2 herein who was implicated as an accused in the case violates the conditions or creates any impediment in the progress of the case particularly with regard to threatening of the witnesses concerned or tampering with any other evidence of the case or stretching the time in course of the trial, in such circumstances, the learned Trial Court or the Court in seisin of the case would be at liberty to impose further stringent conditions including cancelling the bail without further reference to this Court.

With the aforesaid observations, the application for cancellation of bail being CRM (DB) 1469 of 2024 is disposed of.

All concerned parties shall act on the server copy of this order duly 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.)