

06.04.2026

Item No.85

Ct.No.35

dc.

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

C.R.M. (DB) 1746 of 2024

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

And

In Re : **XXX Vs. The State of West Bengal and another**

Mr. Soumya Nag,
Mr. Abhinav Rakshit ... For the Petitioner.

Mr. Saibal Bapuli, APP,
Ms. Atulya Sinha ... For the State.

Mr. Sayan Kanjilal ... For the Opposite Party No.2.

Learned advocate appearing for the petitioner has prayed for cancellation of the order of bail granted on 29.04.2024. The subject-matter of the case reflects that the accused person was initially granted interim bail as the case was registered under Sections 341/323/354/509/506/114 of the Indian Penal Code. Subsequently on the statement of the *de facto* complainant, the sections were amended and the same were 341/323/354/509/506/328/376D/114 of the Indian Penal Code. Records reflect that immediately after amendment of the sections while the accused person was on interim bail, the investigating officer arrested the accused/opposite party. On being produced, the bail application of the accused/opposite party was rejected and the accused person preferred bail application before the learned Sessions Judge and the learned Sessions Judge by relying upon *Ms. X Vs. The State of Maharashtra and another* reported in 2023 LiveLaw (SC) 205, *Pradeep Ram versus*

State of Jharkhand and another reported in (2019) 17 SCC 326 and *Jadhav & Ors. Vs. The State of Maharashtra* (Special Leave to Appeal (Crl.) No(s). 10179/2017) was pleased to allow the prayer for bail on the ground that the accused person was not afforded an opportunity prior to the accused person being taken into custody while he was on interim bail.

Having considered the reasons assigned by the learned Sessions Judge, without entering into the merits of the case so far as the procedural irregularities are concerned, the same were considered and bail was allowed.

It has also been informed on behalf of the State that in the meantime, case has been committed, charges have been framed and the evidence of the victim is in progress.

Having regard to the stage of the case and the reasons assigned by the learned Sessions Judge, I am not inclined to interfere with the order of bail dated 29.04.2024. However, if there are impediments created by the accused person in the progress of the trial or interference with the witnesses of the case, the learned Trial Court on an appropriate application will assess the same and pass orders by exercising its discretion which would be for betterment of the trial of the case.

With the aforesaid observations, the application for cancellation of bail being CRM (DB) 1746 of 2024 is disposed of.

Report submitted by the learned advocate appearing for the State be kept with the record.

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

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.)