

M/L88
06.04.2026
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C.R.M. (DB) 2144 of 2024

In Re: An application for cancellation of bail under Section 439 (2) of the Code of Criminal Procedure, 1973/Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Jibantala Police Station Case No.177 of 2023 dated 14.05.2023 under Sections 302/120B of the Indian Penal Code;

Nuruddin Sekh
Versus
The State of West Bengal & Ors.

Mr. Debapriya Majumder.
...for the petitioner.

Mr. Debasish Roy, Ld.P.P.
Mr. Rudradipta Nandy
Ms. Eshita Dutta.
...for the State.

Mr. Arindam Jana
Mr. Yuvraj Chatterjee
Mr. Saikat Guin
Mr. Rahul Surtani.
...for the opposite party nos.3 and 4.

Affidavit-in-opposition filed by the opposite party nos.3 and 4 be kept with the record.

Learned advocate appearing for the petitioner has prayed for cancellation of the bail which was granted by the learned Sessions Judge-in-Charge, 24 Parganas (South) and the learned Additional Sessions Judge, 16th Court, Alipore, 24 Parganas (South). So far as the accused opposite party nos. 2 and 3 are concerned, they were arrested on 25.03.2023 and were granted bail on 12.06.2024. The said accused persons were in custody for more than a year. So far as the accused/opposite party no.4 is

concerned, she was granted bail on 28.08.2023 after about 84 days in custody.

The genesis of the case arose out of a property dispute amongst the relations. There are issues relating to assault being inflicted with an axe/dao.

Learned advocate further submits that there were post bail misuse of liberty for which another case was registered under Section 195A along with other sections of the Indian Penal Code. It has been contended that the bail granted to the accused persons should be cancelled.

I find that the said case was registered on 13.09.2023. There are no further cognizable offences complained on behalf of the State so far as the opposite party nos.2 to 4 are concerned.

Having considered that the accused/opposite parties are on bail for about more than 2 years/1½ years and charges have already been framed, I am not inclined at this stage to interfere with the order of bail which was earlier granted. However, this will not prevent the petitioner who has set the law into motion if inadvertence is created by the accused persons in the progress of the trial or there is interference with the vulnerable witnesses who would be cited by the prosecution in support of its case. In such circumstances, appropriate application be taken out before the learned trial court, learned trial court would rise to the occasion and exercise its discretion as it deems fit and proper.

With the aforesaid observations, CRM(DB)2144 of 2024 is disposed of.

All 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 of all requisite formalities.

(Tirthankar Ghosh, J.)