

Item No.21
Ct.No.35
dc.

C.R.M. (SB) 98 of 2024

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

Mr. Navanil De,
Mr. Subhrajit Dey ... For the Opposite Party No.2.

I have taken into account the tenor of the accusations as well as the relationship between the parties. The petitioner and the opposite party no.2 are related to each other and are staying within the same flat. There are series of cases already pending between the parties. I have also taken into account the facts of the case, the issues which

weighed with the learned Magistrate while granting bail and I am of the opinion that the order of bail having been granted on 08.05.2024, at this belated stage almost after 1 year 10 months do not call for any interference.

However, if the investigating agency requires the presence of the accused/opposite party no.2 herein and is of the opinion that his presence would create breach of the peace in and around the premises in question, appropriate application may be filed before the learned Magistrate. Learned Magistrate would give audience to the accused/opposite party no.2 herein and thereafter dispose of the same in accordance with law.

Needless to state that if the petitioner also faces inconvenience, in such circumstances she would be at liberty to take out similar application before the learned Magistrate.

With the aforesaid observations, the application for cancellation of bail being CRM (SB) 98 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.)