

M/L25
05.03.2026
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C.R.M. (SB) 144 of 2024

In Re: An application for cancellation of bail under Section 480(5) & Section 483(3) of the Bhartiya Nagarik Suraksha Sanhita, 2023;

Ajmira Sk & Anr.
Versus
The State of West Bengal & Ors.

Mr. Prosenjit Mukherjee
Mr. Sourav Pal
Ms. Babita Pramanik.
...for the petitioners.

Ms. Zareen Nasima Khan
Mr. Tirthankar Dhali.
...for the State.

Learned advocate appearing for the petitioners submits that out of property dispute the accused/opposite party nos. 2 to 4 are adamant in pursuing their illegal objective and to that effect have been physically assaulting the present petitioners and/or their family members. Attention of the Court was drawn to the order dated 23.09.2024.

I find from the records that the learned Magistrate granted bail as no notice under Section 35(3) of the BNS was issued neither there has been any harsher process of law pending. I have taken into account the overall circumstances and I am of the opinion that in the fitness of overall circumstances, it would have been proper if the learned Magistrate called for the case diary before passing an order of bail. However, I have taken into account the materials available in the case diary and the fact that charge-sheet

was submitted on 05.09.2024.

Having regard to the fact that bail was granted after the charge-sheet was submitted and there are observations in the medical report which have also taken into account, I am of the view that no interference is called for. However, this will not prevent the learned Magistrate from imposing stringent conditions if the accused/opposite parties create any impediment in the progress of the trial of the case and/or tamper with the evidence of the case.

With the aforesaid observations, CRM(SB) 144 of 2024 is disposed of.

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 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.)