

**07.08.2026**  
Court No.35.  
D/L.95.  
Rakib  
**(Rejected)**

**CRM (M) 70 of 2025**

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

And

**In the matter of : XYZ.**

**.....Petitioner.**

Mr. Uday Sankar Chattopadhyay  
Ms. Trisha Rakshit  
Ms. Aiiishwarya Datta  
Ms. Sadia Parveen

.....for the Petitioner.

Mr. Anurag Sardar

.....for the State.

Learned advocate appearing for the petitioner has challenged the order of bail which was granted to the accused opposite party no.2 when he surrendered before the Jurisdictional Magistrate. Learned advocate submits that the learned Magistrate did not apply his mind to the facts of the case as well as the background of the case and without perusing the prosecution papers granted bail to the opposite party no.2.

Learned advocate appearing for the State has produced the Case Diary.

I have taken into account the materials available in the Case Diary including the injury report. There are accusations of case and counter cases between the parties. Additionally, it has been submitted that the lady who is the complainant is being harassed and humiliated at the behest of the accused opposite parties.

In view of the order under challenge is more than one and half years ago being passed by the learned Magistrate, at this stage I am not inclined to interfere the order granting bail.

However, if the petitioner who has set the law into motion is facing inconvenience and to that effect brings to the notice of the learned Magistrate specific events, learned Magistrate would assess regarding the genuinity of the said accusations and thereafter, if required, pass necessary directions including a direction upon the accused opposite party no.2. if required, to stay outside the jurisdiction of Burdwan Police Station.

With the aforesaid observations, CRM (M) 70 of 2025 is disposed of.

Memo of evidence submitted by the State be kept with the record.

All parties shall act in terms of server copy of the order 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.)**