

11.11.2025

Sl. No.15.

D/L.

Mithun.

Ct.No.29.

CRR/4680/2025

Ainal Hoque

Vs.

The State of West Bengal

Mr. Mrityunjoy Chatterjee,
Ms. Suchismita Chakraborty

...for the petitioner

Being aggrieved and dissatisfied with the order dated 25.09.2025 the instant application has been preferred. Petitioner's contention is that the petitioner has been implicated in G.R. Case No.4171 of 2025 arising out of Raninagar Police Station Case No.586 of 2025 under Section 108/3(5)/351(2) of BNS, 2023. However, the petitioner was granted interim bail by the Trial Magistrate by an order dated 16.09.2025. On the same day, the prosecution preferred an application before the Sessions Judge for cancellation of the said bail order and learned Court below/Sessions Judge by an order dated 24.09.2025 was pleased to cancel the bail order granted by the Trial Court and directed the petitioner to surrender before the Trial Magistrate by 12 noon on 25.09.2025.

It is further submitted on behalf of the petitioner that on 25.09.2025 he had sought for an accommodation so that he can assail the order dated 24.09.2025 before this Court. However, learned Trial Court without any reason has rejected the petitioner's prayer for accommodation and issued warrant of arrest against accused Ainal Hoque. Being dissatisfied and aggrieved with the said order, learned Counsel appearing on behalf of the petitioner submits that the Trial Court has granted interim bail and, therefore, the prosecution was at

liberty to pray for cancellation of such interim bail before the Trial Court but instead of that they preferred revisional application before the Sessions Judge who was pleased to cancel the said bail order on merit which is not sustainable in the eye of law. His further contention is bail once granted can be cancelled only on the ground of subsequent conduct and not on the ground of merit and therefore his direction before the Court below to appear at 12 noon by the next date is illegal and also inoperative in the eye of law.

Having heard learned Counsel appearing for the petitioner the application is admitted.

Petitioner is directed to serve a copy of this application upon the opposite party through the office of the Public Prosecutor and to file affidavit-of-service on the returnable date.

Let the matter be listed in the Monthly List of December, 2025.

Learned Counsel appearing for the petitioner also prays for stay of the impugned order. Having heard learned Counsel appearing for the petitioner, let the impugned order dated 25.09.2025 is stayed for a period of 8 weeks or until further orders, whichever is earlier.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Dr. Ajoy Kumar Mukherjee, J.)