

15.12.2020
S.D.
03.

CRM 1853 of 2020

In Re: - An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure.

And

In the matter of: **Jashoda Das**

....Petitioner.

Mr. Arindam Jana
Mr. Apurba Kumar Chakraborty

...for the Petitioner.

Ms. Zreen N. Khan
Ms. Manisha Sharma

...for the State.

This is an application under Section 439 (2) read with Section 482 of the Code of Criminal Procedure wherein the petitioner has sought for cancellation of bail granted to the opposite parties no. 1 to 6.

It is submitted on behalf of the petitioner that the opposite parties no. 1 to 6 were trying to build a building in the land which was in possession of the petitioner's cousin uncle for a long time and on protest being made against such illegal activities, the petitioner and her husband were assaulted by opposite party no. 1. and a complaint being C.R. No. 335 of 2017 under Section 448/341/323/427/379/506/354/34 of the IPC was filed on behalf of the petitioner in the Court of the learned Additional Chief Judicial Magistrate, Contai, Purba Medinipur. After registration of Bhupatinagar Police Station Case No. 137 of 2009 dated 11.10.2019, on 17.10.2019 being escorted by one personnel from Bhupatinagar Police Station, the petitioner and her family went back to their home. But,

immediately after their return, the accused persons attacked and attempted to kill them.

The First Information Report in respect of Bhupatinagar Police Station Case No. 137 of 2019 dated 11.10.2019 was registered under Section 448/341/323/427/379/506/354/34 in which the opposite parties were granted bail on condition to meet the Investigation Officer once in a week until further order by learned Additional Chief Judicial Magistrate, Contai. It also reveals from the observation made by the Magistrate that in the order dated 6.11.2019, notice under Section 41(A) of the Cr.P.C. till date though the case was originated on 11.10.2019 were not served on the opposite parties. The only offence under Section 379 is non-bailable, but rest of the offences alleged are bailable. I don't find any ground for cancellation of the bail.

The revisional application is disposed of accordingly.

No order as to costs.

(Shivakant Prasad, J.)