

14.06.2021
Item no.5
Ct. No.42
CHC

C.R.M. No.11264 of 2018

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

AND

In the matter of:-

Pankaj Thakkar
... petitioner

Mr. Suman De
...for the petitioner/de facto complainant

Mr. Tanmay Kr. Ghosh, Ld. S.GA
Mr. Arindam Sen
...for the State

Affidavit-of-service filed by the petitioner be kept on record.

This is to consider an application for cancellation of bail filed by the petitioner/de facto complainant. On 12th October, 2018, a female accused surrendered voluntarily before the learned court below, and the learned court below by the order impugned taking into accounts some revealing facts, which have been mentioned in the order impugned, granted petitioner/female accused on interim bail of Rs.2,000/- with one surety putting some condition that the accused shall meet the I.O. twice in a week until further orders.

Learned advocate representing the State Mr. Tanmay Kr. Ghosh opposing the prayer for cancellation of bail submits that the impugned order is very clear and explicit enough, as to why the bail was granted with some conditions. In the absence of any materials showing violation of the condition of the bail, the

impugned order must go unaltered with and as such the prayer for cancellation is without any substance.

Learned advocate for the petitioner seeking cancellation of the bail submits that the antecedents of the petitioner favoured with bail is very chequered one and there are several cases pending between the parties including a case under Section 138 N.I. Act.

Presence of multiple cases together with existence of chequered antecedents would not be itself indicative for cancellation of the bail.

Learned advocate for the petitioner has nothing to show that the petitioner after being favoured with interim bail has deliberately violated the condition of the bail, or intimidated the witnesses to be examined during trial or tampered with the evidence already collected so as to prejudice the prosecution, without which, there should not be any cancellation of bail order.

That being the position, the prayer for cancellation of bail is not supported by sufficient materials. Accordingly, the prayer for cancellation of bail stands refused and C.R.M.11264 of 2018 stands disposed of.

(Subhasis Dasgupta, J.)