

72 30.09.2021
(AD)

Court No.29

(disposed of)

C.R.M. 9966 of 2020
(Via Video Conference)

In Re: - An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure, 1973.

And

In the matter of: Sk Firoj @ Seikh Firoj

....petitioner.

Mr. Sumanta Chakraborty

... for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld. PP

Mr. Partha Pratim Das

Ms. Manasi Roy

... for the State.

Mr. Malay Bhattacharyya

Mr. Subhrajyoti Ghosh

... for the opposite party nos.2 and 3.

Petitioner seeks cancellation of bail.

Learned Advocate appearing for the petitioner highlights two aspects in the matter. He submits that the jurisdictional Court granting bail did not consider the materials in the case diary and, therefore, erred in law and fact in granting bail to the opposite parties. Moreover, the conduct of the opposite parties post grant of bail are such that the bail should be cancelled. He submits that the opposite parties were and are threatening the petitioner and the witnesses. The opposite parties are persons of dangerous character.

State and the opposite parties are represented.

Affidavits filed on behalf of the State and the opposite parties be taken on record.

Learned Advocate appearing for the State submits that several proceedings under Section 107 and a proceeding under

Section 195A were drawn up against the opposite parties. He submits that the opposite parties are not residing within the jurisdiction of the local police station on the verbal instructions of the police. There is tension prevailing in the locality and due to such tension, the police are required to post adequate police personnel. He submits that in the event, the opposite parties enter into the jurisdiction of the local police station there may be further incidence.

Learned Advocate appearing for the opposite party nos.2 and 3 submits that his clients were granted bail subsequent to three months' custody. Since his clients were granted bail, the Court should be pleased not to interfere with the order of the Court. He submits that the police already submitted charge sheet. Therefore, further detention of the opposite parties are not required. So far as the conducts of his clients are concerned he disputes that and submits that the incident is result of a political rivalry. There are counter-cases against the petitioner also. He points out that in some of the proceedings under Section 107, the police stated that there is a land dispute.

The opposite parties were granted bail by the jurisdictional Court. The police submitted charge sheet. Therefore, we do not think it expedient to cancel the bail granted to such opposite parties on the ground that the jurisdictional Court erred in law or in fact in granting the bail.

Post bail conducts of the opposite parties are relevant. There are materials on record to establish that there are

proceedings drawn up under Section 107 of the Criminal Procedure Code and Section 195A of the Indian Penal Code against the opposite party nos.2 and 3.

In the facts of the present case, it would be appropriate to direct the opposite party nos.2 and 3 not to enter the jurisdiction of the local police station, save and except, attending the Court. The police will continue to keep strict vigil over the subject. In the event, the police finds any transgression of the conditions of bail on the part of the opposite parties and if the police come across any instance of the opposite parties trying to intimidate any witnesses in the police case, the police will apply for cancellation of the bail of the opposite parties forthwith.

With such observations, C.R.M. 9966 of 2020 is disposed of.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)