

73 30.09.2021
(AD)
Court No.29
(disposed of)

C.R.M. 9967 of 2020
(Via Video Conference)

In Re: - An application for cancellation of anticipatory 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

Ms. Zarin Nashim Khan

Mr. Partha Pratim Das

Ms. Manasi Roy

... for the State.

Mr. Malay Bhattacharyya

Mr. Subhrajyoti Ghosh

... for the opposite party nos.2,3 & 4.

Petitioner seeks cancellation of the bail existing in favour
of the three opposite parties.

Learned Advocate appearing for the petitioner submits
that the opposite parties were granted anticipatory bail which
they ought not to have been granted. He submits that the
conduct of the post grant of bail should be taken into
consideration. The opposite parties are entering into the
jurisdiction of the local police station and are threatening the
petitioner as well as the witnesses. There are charges of murder
against the opposite parties which are serious. The opposite
parties are threatening rape.

Learned Advocate appearing for the State submits that
the police received only one complaint from the petitioner. Such
complaint did not contain any threat of rape. The police drew
up proceeding under Section 195A of the Indian Penal Code.

Learned Advocate appearing for the opposite parties submits that the police did not draw a proceeding under Section 195A on their own. The same was done after the order of the learned Magistrate under Section 156(3) of the Code of Criminal Procedure.

Since the police submitted charge sheet and the trial is likely to commence soon and since the opposite parties are on bail, we do not think it expedient to cancel the bail existing in favour of the opposite parties.

However, since the police drew a proceeding under Section 195A of the Code of Criminal Procedure, we direct that the opposite parties not to enter into the jurisdiction of the local police station, save and except, appearing before the Court on the dates of trial.

C.R.M. 9967 of 2020 is disposed of accordingly.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)