

21.09.2022
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C.R.M. (DB) No. 432 of 2022

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

And

In Re : Oliur Rahamanpetitioner

Mr. Kamalesh Chandra Saha
..... for the petitioner

Ms. Zareen N. Khan
Md. Kutubuddin
..... for the State

Mr. Kushal Kumar Mukherjee
Mr. Surajit Basu
Mrs. Ranu Mondal
..... for opposite party nos. 2 & 3

Affidavits filed in Court be kept on record.

Order dated 02.12.2011 granting bail to the opposite party
nos. 2 and 3 has been assailed.

Mr. Saha, learned Counsel appearing for the petitioner/ de
facto complainant submits learned Magistrate granted bail to the
opposite party nos. 2 and 3 without considering the gravity of
offence. He also submits opposite party nos. 2 and 3, after being
released on bail, had threatened his client. All the streedhan
articles have not been recovered.

Learned Counsel appearing for the opposite party nos. 2
and 3 submits in conclusion to investigation charge-sheet has
been submitted under Sections 498A/325 of the Indian Penal

Code. His clients have not misused liberty or threatened the petitioner.

Learned Counsel appearing for the State produces the Case Diary.

We have considered the materials on record. Although F.I.R. was registered, inter alia, under Section 307 of the Indian Penal Code, in the written complaint petitioner/ de facto complainant alleged his daughter had attempted to commit suicide. It is alleged in the F.I.R. that opposite party nos. 2 and 3 brutally assaulted the victim housewife which compelled her to consume poison. Medical papers collected during investigation, however, do not disclose any mark of external or internal injury.

In view of nature of the offence, bail granted to the opposite party no. 2 by the learned Magistrate does not call for any interference. It is also pertinent to note in conclusion of investigation charge-sheet has been filed under Sections 498A/325 of the Indian Penal Code only.

With regard to the allegation of threat, we note the said allegations are general and omnibus in nature. Investigation is complete and allegation with regard to misappropriation of streedhan property, if any, may be proved during trial.

In the light of the aforesaid circumstances, though we are not inclined to cancel bail of the opposite party nos. 2 and 3, in order to instill confidence in the mind of the petitioner/ de facto complainant and other witnesses particularly the victim lady, we direct opposite party no. 2 shall not enter the jurisdiction of

Deganga Police Station until further orders and shall provide the address where he shall presently reside to the investigating officer and the court below and shall report to the officer-in-charge of the concerned police station within whose jurisdiction he shall presently reside once in a month until further orders.

With the aforesaid directions, application for cancellation of bail being CRM (DB) No. 432 of 2022 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)