

10.06.2022

CRM (SB) 24 of 2022

In the matter of : Monindra Nath Sanyal

.....Petitioner

For the petitioner:

Mr. Intiaz Ahmed, Adv.,
Mrs. Shaila Afrin, Adv.,
Mr. Rudra Prasad Sinha, Adv.,
Mr. Rafat Jahan, Adv.

For the opposite party No.2 & 3:-

Mr. Kusal Kumar Mukherjee, Adv.,
Mr. Surajit Basu, Adv.,
Mrs. Ranu Mondal, Adv.

For the State:-

Mr. Abhra Mukherjee, Adv.,
Ms. Manisha Sharma, Adv.

CRM (SB) 32 of 2022

In the matter of : Mrinmoy Sanyal

.....Petitioner

For the petitioner:

Mr. Intiaz Ahmed, Adv.,
Mrs. Shaila Afrin, Adv.,
Mr. Rudra Prasad Sinha, Adv.,
Mr. Rafat Jahan, Adv.

For the opposite party No.2 & 3:-

Mr. Kusal Kumar Mukherjee, Adv.,
Mr. Surajit Basu, Adv.,
Mrs. Ranu Mondal, Adv.

For the State:-

Mr. Abhra Mukherjee, Adv.,
Ms. Manisha Sharma, Adv.

Both the above numbered applications for cancellation of bail under Section 439(2) of the Code of Criminal Procedure were heard analogously and this Court passes the following common judgment disposing of both the applications.

By filing CRM (SB) 24/2022 the petitioner states that the opposite party No.2 and 3 are the youngest son and son's wife of the petitioner. The defacto complainant lodged a complaint at Barasat Police Station against the above named opposite parties on the basis of which police registered FIR Case No.661 of 2021 dated 12th September, 2021 under Sections 379/420/506/34 of the IPC and also under Section 24 of the Maintenance of Welfare of Parents and Senior Citizenship Act, 2007.

It is stated by the petitioner that his wife died in 2008. The petitioner being an old ailing father was not taken care of by the opposite parties. On the contrary, they forced him to hand over entire money and property to them. They also took away the ATM Card and the keys of his locker and on 7th September, 2021 withdrew a sum of Rs.6 lakhs from different bank accounts by forging his signature. They also took away gold ornaments and cash money. Whenever the petitioner asked about said act to the opposite party they used to threaten him with dire consequences. After the institution of the case, the opposite parties were granted interim bail by the learned Chief Judicial Magistrate, Barasat on 28th September, 2021. It is further submitted by the learned petitioner that the opposite party No.2 and 3 has been harassing him continuously after being enlarged on bail. They were threatening the complainant to withdraw his written complaint filed against them. On being released on bail

the petitioners are indulging in threatening their old ailing parent, abusing him with filthy language and they are not even controlled by the police personnel. This prompted the petition to file the instant application for cancellation of bail.

CRM (SB) 32 of 2022 is filed by the elder son of Monindra Nath Sanyal against the opposite parties. It is submitted by the petitioner that on the basis of a complaint lodged by him Barasat P.S Case No.115 of 2022 dated 15th February, 2022 was registered against the opposite parties under Sections 341/323/506/379/195A/34 of the IPC and Section 24 of the Maintenance of Welfare of Parents and Senior Citizenship Act, 2007. It is alleged by the petitioner that the father of the petitioner and the opposite party No.2 breathed his last failing to bear torture inflicted upon the petitioner of CRM (SB)24 of 2022. After the death of his father the petitioner was compelled to lodge a complaint at Barasat Police Station being Case No.115 of 2022 against the private opposite parties alleging, inter alia, that their father died failing to bear torture inflicted upon him by the opposite party No.2.

It is also alleged that on 2nd February, 2022 at around 7 pm the opposite parties along with some antisocial elements abused Monindra Nath Sanyal, since deceased with filthy language. The opposite parties created continuous mental and physical torture upon

Monindra Nath Sanyal, since deceased. They already took away valuable ornaments, withdrew money of Monindra Nath Sanyal from the bank by forging his signature on the cheques and committing theft of his ATM Card. The father of the petitioner and opposite party No.2 could not bear such torture and suffered a brain hemorrhage and died. After the death of Monindra Nath Sanyal the opposite parties tried to enter into the premises where Monindra Nath Sanyal used to reside. The petitioner somehow resisted them. The opposite parties did not even care to obey the restraining order passed by the High Court at Calcutta and even abused the on duty Police Officer.

In spite of such illegal commission of offence, the learned Chief Judicial Magistrate, Barasat granted bail to the accused persons on 18th February, 2022.

I have heard the learned Advocates for the petitioners and the opposite parties. I have also perused the case diary of both the cases and even the Investigating Officers were directed to be present in court. At the time of hearing it is not disputed by the learned Advocate for the opposite parties that the opposite parties refused to obey and implement the restraining order passed by this court. They also abused the Police Officer with filthy language. Their post bail conduct are not at all satisfactory.

Considering the conduct of the accused persons/opposite parties, I am inclined to cancel the order of bail which was granted by the learned Chief Judicial

Magistrate on 28th September, 2021 and 18th February, 2022 respectively.

The opposite parties are directed to surrender before the learned court below, failing which the police authority is at liberty to arrest the accused persons in accordance with law.

Both the applications are, thus, disposed of.

(Bibek Chaudhuri, J.)