

**05.04.2022**

**Serial no.67**

Dd

**CRM 1901 of 2021**

In re : An Application under Section 439(2) of the Code of Criminal Procedure, 1973 for cancellation of Bail.

**-And-**

**In the matter of : Chhabi Ranbaj**

**... ..Petitioner**

Mr. Malay Bhattacharyya,  
Mr. Pradip Paul  
Mr. Sudipa Sen Gupta, Advocate  
... .. For the Petitioner

Mr. Saibal Bapuli, Id. APP  
Mr. Bibaswan Bhattacharya, Advocate  
... ..For the State

Mr. Soumyajit Das Mahapatra, Advocate  
.. ...For the OP no. 2

Petitioner seeks cancellation of the bail granted by the order dated September 3, 2020 passed in CRM 5783 of 2020.

Learned advocate appearing for the petitioner submits that the private opposite parties are guilty of violating one of the conditions of grant of bail. He submits that by the order dated September 3, 2020, the private opposite parties were required not to enter the district of Jhargram until further orders except for attending the Court proceedings. The private opposite parties violated violated such condition. He refers to the report of the police in this regard dated February 20, 2022.

Learned advocate appearing for the State submits that there is a proceeding under Section 107 of the Criminal Procedure Code drawn up against the private opposite

parties in relation to the private opposite parties coming into the District of Jhargram and threatening the petitioner.

Learned advocate appearing for the private opposite party no. 2 submits that the petitioner ought to approach the trial Court in view of the default clause provided in the order dated September 3, 2020. In any event, the private opposite parties are not guilty of violation of any of the conditions of bail. He submits that other co-accuseds were granted bail on the same condition. Such co-accuseds are not being proceeded against by the petitioner. The private opposite party is being singled out by the petitioner for collateral purposes.

The private opposite party no. 2 filed an affidavit-in-opposition. The petitioner chose not to file any reply thereto.

The issue in the present application is whether the private opposite party is guilty of violation of one of the conditions granting bail on September 3, 2020 by this Hon'ble High Court. The condition that is alleged to be violated by the private opposite party is restricted to his entry into the District of Jhargram until further orders.

There are allegations and counter-allegations amongst the petitioner and the private opposite party with regard to alleged entry into the District of Jhargram subsequent to the order dated September 3, 2020.

There is only one date which is spoken of, that is, October 3, 2020, on which, the private opposite party is alleged to enter into the District of Jhargram. The order granting bail is dated September 3, 2020. There is no material conclusively establishing the fact that the private opposite party entered into the District of Jhargram on October 3, 2020 violating the order granting bail or any date subsequent to the order dated September 3, 2020.

In view of the issue not being conclusively established, we are unable to cancel the bail granted in favour of private opposite parties.

Accordingly, CRM 1901 of 2021 is dismissed.

It is contended on behalf of the petitioner that the witnesses name the charge sheet requires protection. The police as well as de facto complainant are at liberty to take appropriate steps with regard thereto.

**(Debangsu Basak, J.)**

**(Bibhas Ranjan De, J.)**