

15.02.2022
Serial no.98
Aloke
Ct. No. 29

CRM 3436 of 2021

In re : An Application under Section 439(2) of the Code of Criminal Procedure.

-And-

**In the matter of : Estayaque Ahmed @ Istiyaqu Ahmed
@ Gaffar Istak**

... ..Petitioner

Mr. Koustav Bagchi, Advocate

Mr. Debayan Ghosh, Advocate

... ..For the petitioner

Mr. Shekhar Barman, Advocate

... .. For the opposite party no. 2

Mr. Tanmoy Kr. Ghosh, Advocate

Mr. Arindam Sen, Advocate

... ..For the State

Petitioner seeks cancellation of bail on the ground that the private opposite party violated all the three conditions of bail.

Learned Advocate appearing for the petitioner submits that bail was granted by the order dated March 4, 2020. There, the three conditions inter alia were laid down. The first condition was that the private opposite party shall not enter the jurisdiction of North 24 Parganas until further orders except for attending Court proceedings. The second condition was that the private opposite party shall provide the address where he shall presently reside to the investigating agency and the jurisdictional Court. The third condition was that the private opposite party shall report to the Officer-in-Charge of the concerned Police Station within whose jurisdiction he was presently residing once in a week until further orders.

State and the private opposite party are represented.

Report as called for by the order dated February 7, 2022 filed in Court be taken on record.

The materials placed on record establish that the private opposite party is in breach of all the three conditions of grant of bail. The private opposite party entered into the jurisdiction of North 24 Parganas to lodge a complaint with the police as to his missing wife. Even if we overlook violation of such condition of bail, it is an admitted fact that the private opposite party did not provide the residential address of his to either to the investigating agency or to the jurisdictional Court. The private opposite party also did not report to the Officer-in-Charge of the Police Station under whose jurisdiction the private opposite party was residing as stipulated in the condition for grant of bail.

The non-compliance of the conditions of the bail is sought to be justified by the private opposite party on the ground of his lack of knowledge of the conditions of bail. Such justification, with the deepest of respect, cannot be accepted. A person obtaining an order of bail is required to adhere to the conditions thereof.

In such circumstances, since the private opposite party did not adhere to at least two of the conditions of bail with regard to his residential address and report to the Officer-in-Charge of the Police Station under whose jurisdiction he was residing, we are constrained to cancel the bail granted in favour of the private opposite party.

The private opposite party shall surrender forthwith before the jurisdictional Court.

CRM 3436 of 2021 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)