

14.11.2022

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C.R.M. (DB) No. 1306 of 2022

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

And

In Re : Annu Das petitioner

Mr. Sabyasachi Chatterjee

Mr. Akashdeep Mukherjee

Mr. Pintu Karar

Mr. Pritam Chatterjee

.... for the petitioner

Mr. Milon Mukherjee, Sr. Adv.

Mr. Biswajit Manna

Mr. Dattatreya Dutta

..... for the opposite party no. 2

Md. Ejaz Quasim

Mr. Binod Kumar Mallick

.... for the opposite party no. 3

Ms. Faria Hossain

Mr. Anand Keshari

.... for the State

Petitioner/ de facto complainant has assailed the order of bail granted to the opposite parties no. 2 and 3 on the ground that they have violated the condition of bail. By order dated 24.02.2021 a co-ordinate Bench of this Court was pleased to grant bail to the opposite parties no. 2 and 3 on condition that they shall not enter the jurisdiction of Additional Chief Judicial Magistrate, Barrackpore, and shall meet the Officer-in-charge of the Belghoria Police Station once in a week until further orders.

Learned Counsel appearing for the petitioner submits opposite parties no. 2 and 3 violated the condition of bail.

Belghoria Police Station Case No. 555 of 2021 was registered against the opposite party no. 2, Kartick Dutta and Belghoria Police Station Case No. 612 of 2021 was registered against both the opposite parties. Prayer for relaxation of condition of bail of both the opposite parties was turned down on such score. In view of the aforesaid, bail granted to the opposite parties no. 2 and 3 may be cancelled.

Mr. Mukherjee, learned senior Counsel appearing for the opposite party no. 2/accused opposes such prayer and submits allegation of threat is out and out false. No prayer for cancellation of bail of the co-accused, Kartick Datta, has been made though F.I.R. was registered against him. FIRs were registered only to resist the prayer for relaxation of condition of bail. There is no misuse of liberty since the rejection of the prayer for relaxation in March, 2022.

Learned Counsel appearing for the opposite party no. 3 submits allegation of violation of condition of bail is untrue. No injury report was collected during investigation in Belghoria Police Station Case No. 612 of 2021. His client is not an accused in Belghoria Police Station Case No. 555 of 2021.

We have considered the materials on record. Allegation of assault by the opposite parties no. 2 and 3 in Belghoria Police Station Case No. 612 of 2021 is not supported by medical evidence. Though injury report has been collected in Belghoria Police Station Case No. 555 of 2021 it may be apposite to note that no prayer for cancellation of bail of co-accused, Kartick Datta, has been preferred. On the other hand, there is no

allegation of misuse of liberty by the opposite parties since their prayer for relaxation of condition of bail was turned down.

Under such circumstances, we are of the opinion no case for cancellation of bail of the opposite party no. 3 on the ground of violation of condition of bail has been made out. Though there are some materials against opposite party no. 2 but the same may not require forfeiture of his liberty at this stage. On the other hand, stricter conditions may be imposed on opposite party no. 2 in order to restrict and monitor his movements.

Accordingly, we direct the opposite party no. 2/accused while on bail he shall not enter the jurisdiction of North 24 Parganas except for the purpose of the court proceedings and shall provide the address where he shall presently reside to the Officer-in-charge of the Belgharia Police Station and court below and shall report to the Officer-in-Charge of the police station concerned within whose jurisdiction he shall presently reside on every alternate day until further orders. He shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and shall appear before the trial court on every date of hearing.

With these above observations and directions, the application for cancellation of bail is, accordingly, disposed of.

Case diaries be returned.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)