

13.09.2022

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C.R.M. No. 5151 of 2021

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

And

In Re : Sannashi Khamarupetitioner

Mr. Samiran Mandal

Mr. Abhinaba Dan

Mr. Nitish Samanta

..... for the petitioner

Ms. Zareen N. Khan

Ms. Trina Mitra

..... for the State

Mr. Manas Kumar Das

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

Affidavit-in-reply filed by the learned Counsel appearing for the petitioner is taken on record. Further affidavit filed by the learned Counsel appearing for the opposite party no. 2 is also placed on record.

Petitioner has assailed the bail granted to the opposite party no. 2. He contends opposite party no. 2 is threatening him. Under such circumstances, this Court directed opposite party no. 2 to report to the Officer-in-Charge of Beldanga Police Station. Learned Counsel appearing for the petitioner submits opposite party no. 2 did not comply with that condition.

Further affidavit is filed on behalf of the opposite party no. 2 stating due to miscommunication he was unable to comply with the condition imposed upon him. Presently, he is scrupulously complied with the condition imposed upon him.

We have considered the rival submissions made on behalf of the parties. Complaints were lodged by the petitioner alleging that opposite party no. 2 was threatening him. Opposite party no. 2 has categorically denied such allegations. Nothing is placed on record that the allegations levelled against opposite party no. 2 are true. Hence, we are not inclined to cancel the bail of opposite party no. 2. However, to instil confidence in the mind of the petitioner and other witnesses, we are of the opinion movement of the opposite party no. 2 requires to be restricted.

Accordingly, we direct that opposite party no. 2 while on bail shall not enter the jurisdiction of Beldanga Police Station except for the purpose of attending court proceedings until further orders. He shall report to the Officer-in-Charge of the Hariharpara Police Station once in a week until further orders. He shall not directly or indirectly established contact with the petitioner in any manner whatsoever including electronic/virtual mode.

With these directions, application for cancellation of bail is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)