

84 03.02.2022
(AD)
Court No.29

C.R.M. 6024 of 2021

In Re: - An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure, 1973.

And

In the matter of: - Smt. Mousumi Das nee Kallat
...petitioner.

Mr. Soumik Ganguli
Mr. Sourat Nandy
... for the petitioner.
Ms. Debjani Sahoo

... for the State.
Mr. Ayan Basu
Mr. Subir Banerjee
Mr. Sumit Routh
... for the opposite party no.2.

Petitioner seeks cancellation of bail granted by the jurisdictional Court.

Learned Advocate appearing for the petitioner submits that there are serious allegations of violations of the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. He submits that the opposite party no.2 is continuously threatening the petitioner. He refers to the police complaints lodged.

Learned Advocate appearing for the opposite party no.2 submits that the opposite party no.2 is the Headmaster of the school. The Headmaster of the school called upon the petitioner to discharge her normal duties whereupon the police complaint was lodged falsely implicating the petitioner. There is no substance in the complaint lodged. In fact, the petitioner is not discharging her

regular duties.

Learned Advocate appearing for the State draws the attention of the Court to the contents in the case diary.

In the facts of the present case, the opposite party no.2 was enlarged on bail by the jurisdictional Court by an order dated August 16, 2021. The jurisdictional Court considered the then situation arising out of the pandemic and enlarged the opposite party no.2 on bail, *inter alia*, on the conditions that he will not cause any threat and intimidation to the de facto complainant. There is hardly any material in the case diary apart from the complaints lodged by the petitioner that the opposite party no.2 was holding out any threat and intimidation to the petitioner. In the absence of any materials to suggest that the opposite party no.2 was threatening and intimidating the petitioner, we are unable to hold that the opposite party no.2 is in violation of any of the conditions of the order granting bail by the jurisdictional Court.

Accordingly, the prayer for cancellation of bail is rejected.

C.R.M. 6024 of 2021 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)