

05.09.2022  
tkm/ct 28  
sl no. 50

**C.R.M. (DB) 2207 of 2022**

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

And

In Re : Merina Bibi @ Merina Bibi Bewa ..... petitioner

Mr. Raju Mondal  
Ms. Firoja Khatun

..... for the petitioner

Mr. Koustav Bagchi  
Mr. Amanul Islam  
Mr. Sourav Mukherjee  
Mr. D Ghosh  
Ms. Priti Kar

..... for OP no. 2

Mr. Swapan Banerjee  
Mr. Suman De

..... for the state

Order dated 26.4.2022 passed by the learned sessions judge,  
Murshidabad in Criminal Misc. case no. 1979 of 2022 granting bail  
to opposite party no. 2 has been assailed.

It is contended that opposite party no. 2 has misused his  
liberty and threatened witnesses to withdraw the case and not  
oppose bail applications of other accuseds.

Learned counsel appearing for the opposite party no. 2  
stoutly denies and disputes such accusation. He submits bail was  
granted on principle of parity as co-accuseds similarly  
circumstanced with his client were enlarged on bail by this court.

We have considered the materials on record. Bail was granted  
to opposite party no. 2 on parity as co-accuseds similarly  
circumstanced with him had been enlarged on bail by this court.

Learned lawyer for the petitioner restricts his submission to the premise that opposite party no. 2 had misused his liberty. He refers to a written complaint annexed at page 13 of the petition. This, however, is disputed by learned lawyer for the opposite party no. 2.

We have gone through the said complaint. The complaint is bereft of time and date when such threat was held out. Accordingly, we are not inclined to cancel the bail granted to opposite party no. 2 on this score. However, to instill confidence in the mind of the de facto complainant and other witnesses, we chose to impose restriction on the movement of opposite party no. 2.

Application for cancellation of bail is disposed of directing the opposite party no. 2 not to enter the jurisdiction of Domkal P.S until further orders except for purpose of investigation and attending court proceeding and to provide the address where he shall presently reside to the investigating officer as well as to the court below and to report to the officer in charge of the P.S concerned within whose jurisdiction he shall presently reside once in a week until further orders. Other conditions of bail imposed on opposite party no. 2 by the court below shall continue unaltered.

C.R.M. (DB) 2207 of 2022 is disposed of.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**