

05.12.2022

Sl. No.67

akd

C. R. M. (DB) 2538 of 2022

In Re : An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure filed on 25.07.2022 :

A N D

In Re : The State of West Bengal

..... Petitioner-State

Mr. Ranabir Roy Chowdhury

Mr. Mainak Gupta

... .. for the petitioner-State

Mr. Jaydeep Biswas

... .. for the opposite party

Petitioner-State of West Bengal has assailed order dated 30th June, 2022 passed in Sessions Case No.36 of 2021 enlarging opposite party on bail on the ground that he has violated the conditions of bail.

By order dated 30.06.2022 opposite party was released on bail on condition that he shall not leave the jurisdiction of Jorasanko Police Station without the prior permission of the court below. It is contended while on bail, opposite party committed another crime within Bowbazar police station and Bowbazar Police Station Case No.213 dated 21.08.2022 under Sections 387/120B of the Indian Penal Code and Sections 25/27 of the Arms Act was registered. Opposite party denied his involvement in the subsequent case.

In view of the aforesaid allegation, by order dated 14.11.2022, additional conditions were imposed upon the opposite party and he was directed not to enter the municipal limits of Kolkata except for the purposes of investigation and/or attending court proceedings and to provide the address where he shall reside to the Investigating Officer as well as the court below. He was also directed to report to the Officer-in-charge of the police station concerned within whose jurisdiction he would reside once in a week until further orders.

A further report is placed before us. From the report it appears that the opposite party had not complied with the aforesaid conditions of bail also. Though he claimed that he is residing within Joynagar police station, address of the opposite party was not provided to the Investigating Agency or the court below.

In reply, opposite party faintly tried to defend his stance by claiming that he had met the Officer-in-charge, Joynagar Police Station on 04.12.2022.

By order dated 14.11.2022, opposite party was directed not to enter the municipal limits of Kolkata and intimate his place of residence to the Investigating Officer and the court below. He has singularly failed to do so. Even with regard to attending the police station where he claims to be residing i.e. Joynagar Police Station, no attendance was given in the month of November, 2022. Just prior to hearing of the application, he is alleged to have attended the said police station only once i.e. on 04.12.2022.

The aforesaid facts constrain us to observe that not only opposite party has flagrantly violated the conditions of bail but had resorted to commission of further offence which resulted in registration of Bowbazar Police Station Case No.213 dated 21.08.2022.

Under such circumstances, we are inclined to cancel the bail granted to opposite party herein.

Accordingly, order dated 30.06.2022 passed in Sessions Case No.36 of 2021 is set aside.

Opposite party viz. Md. Shahanawaz Alam @ Shahanawaz Alam @ Lulla Shahanawaz is directed to surrender before the jurisdictional Magistrate within seven days from date failing which the Investigating Agency as well as the court below shall be at liberty to

resort to appropriate processes for his apprehension in accordance with law.

CRM (DB) 2538 of 2022 is thus disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)