

02-09-2022
Subha
Item no. 13
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction
Appellate Side

CRM (SB) 188 of 2022

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

Mithua Bose
-Versus-
The State of West Bengal & Ors.

Mr. Razzak Hossain

...for the petitioner.

Mr. Dhananjay Banerjee
Ms. Oindrila Ghosh

.....for the opposite party nos. 2 to 12.

Mr. Joydeep Roy
Mr. Amanul Islam

....for the State.

Learned advocate for the petitioner submits that although the sections are bailable for which the FIR has been registered, but the petitioner being lady is being threatened by the accused persons.

Both the learned advocates submit that the information was submitted before the concerned Police Station, however no steps were taken by the police authorities.

I do not find that the contentions advanced before this court were ever agitated before the learned Magistrate who is in seisin of the case. It is for the learned Magistrate firstly to consider regarding the change of circumstances or violation, if any. The mother case being registered for bailable offences. No interference can be made by this court. It is for the learned Magistrate to consider regarding the terms and conditions to be imposed if at all provided an application is taken out.

With the aforesaid observations, the cancellation of bail under Section 439(2)

of the Cr.P.C being CRM (SB) 188 of 2022 is disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]