

10-11-2022
Subha
Item no.06
Disposed of.

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction
Appellate Side

CRM (SB) 213 of 2022

Krishna Bag
-vs-
The State of West Bengal & Anr.

Mr. Atif Ahmed Siddiqui
Mr. Rajat Kumar Dhar
Mr. Ratan Das

...for the petitioner.

Mr. Angshuman Chakraborty

... for the Opposite party nos. 2 & 3.

Mr. Iqbal Kabir

....for the State.

Affidavit of service so filed by the kept with the record.

Learned advocate for the petitioner submits that although initially the sections wereailable but subsequently Section 354 of the Indian Penal Code was incorporated in the chargesheet .

According to the learned advocate the allegations of outraging of modesty surfaced when the victim was examined and her statement recorded before the learned Magistrate.

Learned advocate further submits that there is a counter case and the police authorities/Investigating Authorities purposely registered the FIR of the case initiated at the instance of the accused persons, incorporating sections which were non-bailable sections.

Mr. Chakraborty, learned advocate appearing for the private opposite party nos. 2 and 3 submits that there was no illegality

committed by the learned Magistrate on the day when the opposite party surrendered before the court and the nature of the offence being covered under Section 436 of the Code of Criminal Procedure, the learned Magistrate was obliged to release the petitioner on bail.

Mr. Kabir, learned advocate appears on behalf of the State and produces the case diary, draws the attention of the court to the injury report and the discharge certificate.

I have perused the materials in the case diary including the injury report and the flavour which is exposed from the present case relates to fights and bickering between the neighbours.

On an appreciation of the totality of the circumstances, I am of the opinion that a case for cancellation of bail has not been made out. However, the police authorities will be at liberty to impose conditions for maintaining breach of the peace at the area where the complainant and the opposite party are residing and are at loggerheads.

With the aforesaid observations, the application for cancellation of bail being CRM (SB) 213 of 2022 is disposed of.

Pending applications, if any, are consequently disposed of.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

[Tirthankar Ghosh, J]

