

14.07.2022
Court No.1
SL No.18
pk/AP

**HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

CRM(DB) 188 of 2022

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

And

In the matter of: **Sanjay Bhattacharjee**

....Petitioner.

Mr. Ajay Singhal

...for the petitioner.

Mr. Aditi Shankar Chakraborty
Mr. Ujjwal Luksom

...for the State.

Mr. Kumar Shantanu

...for the Opposite Party Nos.2 to 4.

Ms. Smita Sinha (Mitra)

...for the Opposite Party Nos.5 to 6.

The application has been filed for cancelation of anticipatory bail granted on 6th June 2022 passed by the learned Sessions Judge, Jalpaiguri in Criminal Misc. Case No.764 of 2022. The conditions of bail were that the petitioner was not to intimidate or hold out any threat to any witnesses or tamper with any evidence or not to commit similar offence while on bail.

It transpires that on 10th June 2022 at 5 pm the accused persons intimidated the complainants and violated the conditions of anticipatory bail and FIR was registered by the Alipurduar PS being Alipurduar PS Case No.298 of 2022 under Sections

447/223/506/34 of the IPC. Subsequently charge sheet has been filed on 22nd June 2022.

Counsel for the accused persons has prayed for leave to file affidavit before this Court. It is submitted that there are long standing disputes with regard to the control and management of a college. The accused persons and the petitioner are rivals, both seeking control of the administration. Page 36 of the application being agreement between the parties is placed before this Court to canvass that there is no violation of any of the conditions of bail and that the petitioner have themselves violated the agreement dated 24th June 2021.

This Court is of the clear view that the civil dispute between the parties have absolutely no bearing or consequences on the instant application. Counsel for the accused seeks to bring on record such and other civil disputes and particulars thereof between the parties.

Hence, for leave to file an affidavit to this application is rejected by this Court.

Admittedly, for violation of conditions of anticipatory bail, an FIR has been registered which resulted in a charge-sheet. There is clear evidence before this Court and no unnecessary terms that the accused person have violated the terms and conditions of anticipatory bail.

In that view of the matter, this Court is inclined to cancel the bail to the accused.

The accused shall surrender in the Court below but shall be entitled to seek remedies under the CrPC.

Accordingly, the application being CRM(DB) 188 of 2022 shall stand disposed of.

(Rajasekhar Mantha, J.)

(Ananda Kumar Mukherjee, J.)