

07.06.2023
Court No.29
Monthly List
Serial No.34
AP

CRM (DB) 55 of 2023

In Re: An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure, 1973.

In Re: **Dr. Rupa Majumdar**

... .. Petitioner.

Dr. Rupa Majumdar

... Petitioner (in-person).

Mr. Arijit Ganguly
Mr. Kaushik Kundu

... for the State.

Mr. Sabir Ahmed
Mr. Abhishek Verma
Mr. Md. Abdur Rakib
Ms. Suman Biswas

... for the Opposite Party No.2.

Affidavit-in-Opposition filed on behalf of the Opposite Party No.2 and Affidavit-in-Reply filed on behalf of the petitioner/victim are taken on record.

Heard the victim, who appears in-person; Mr. Sabir Ahmed, learned counsel for the Opposite Party No.2 and Mr. Arijit Ganguly, learned counsel for the State.

The Opposite Party No.2 being impleaded in offence under sections 417, 376, 506, 509, 499 and 120(B) of the IPC in connection with Kolkata Leather Complex Police Station Case No.56 of 2022 dated 10th June, 2022.

The Opposite Party No.2 was granted anticipatory bail by a Coordinate Bench of this Court on 15th November, 2022 in CRM (A) 4942 of 2022.

The present application has been filed for cancellation of bail on the following grounds:-

(i) The Opposite Party No.2 has been granted anticipatory bail when a proclamation had already been issued against him.

(ii) The Opposite Party No.2 after being granted anticipatory bail is harassing the victim and her family members.

(iii) On one occasion, the Opposite Party No.2 assaulted the victim's mother and she was hospitalized for that on 8th March, 2023.

(iv) The matters of such conduct of the Opposite Party No.2 have been reported to the police.

In course of argument, it was submitted by the victim that she being a doctor and the Opposite Party No.2 being a staff of a hospital working in the same locality, the Opposite Party No.2 is hell-bent upon harassing the victim, though, the Opposite Party No.2 is no more working in the establishment of the victim.

The victim is stated to be staying in Sector III, Salt Lake City, Kolkata and she is stated to be working as a Medical Officer, in-charge of Rajarhat Block, New Town.

From the records, we find that though a look out notice was issued against the Opposite Party No.2 after issuance of

warrant of arrest against him, the same was not a proclamation being issued under sections 82 and 83 of the CrPC.

The main grievance of the victim is that the Opposite Party No.2 is harassing her and her family members and she apprehends that he may take some action against her.

Learned counsel for the Opposite Party No.2 on the other hand submits that the Opposite Party No.2 is now staying at Murshidabad and on 8th March, 2023 the Opposite Party No.2 was at Katwa, district Purba Bardhaman. The charge sheet is stated to have been filed in the present case.

Regard being had to facts and submissions in the apprehension of the victim/petitioner, this Court directs as follows:-

- (i) The Opposite Party No.2 being a resident under the Mirzapur Police Station, District Murshidabad to appear before the I.C., Mirzapur Police Station once in a week on the date and time fixed by the I.C. till the commencement of the trial.
- (ii) The Opposite Party No.2 shall not contact the victim in any manner either over her telephone, cell-phone or any other medium.
- (iii) The Opposite Party No.2 shall not visit Sector III, Salt Lake City area and the Rajarhat Block, New Town area till

the commencement of the trial in connection with the
aforementioned P.S. case.

(iv) During his Court appearance, the Opposite Party
No.2 shall not establish any contact with the victim even if
he sees the victim in Court.

Accordingly, the CRM (DB) 55 of 2023 is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)