

31.03.2023.
75.
Ct.No.28
as

C.R.M. (DB) 652 of 2023

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

In the matter of : Shri Krishnakanta Barman.
... Petitioner.

Mr. Amarta Ghose,
Mr. A. K. Saha.
.....for the Petitioner.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Bibaswan Bhattacharyya.
...for the State.

Ms. Sananda Bhattacharyya.
...for the Opp.No.2.

Learned Advocate for the petitioner submits opposite party no.2 while on bail threatened him and other witnesses. As a result, another criminal case under Section 195A of the Indian Penal Code was registered. In spite thereof, he continued to threaten witnesses. Hence, petitioner has been constrained to approach this Court to cancel his bail.

Learned Advocate for the opposite party No.2 denies and disputes the allegations. She submits allegations are out and out false and have been manufactured to cancel the bail.

Learned Advocate for the State submits report.

We have considered the materials on record. By order dated 18.04.2022 opposite party no.2 was released on bail. Thereafter, a criminal case being Ranaghat P.S. Case No.386 of 2022 dated 03.06.2022 under Section 195A of the Indian Penal Code was registered against him. Charge sheet has

been filed in both the cases. Presently, it is alleged on 14.12.2022 opposite party no.2 again threatened the petitioner. A general diary has been registered. Report filed by the police merely refers to the registration of the general diary. There is no comment with regard to the correctness of the accusation.

We note that a subsequent criminal case alleged offence under Section 195A of the Indian Penal Code was registered which has ended in a charge sheet. Under such circumstances, we are of the opinion though petitioner has not made out a case for cancellation of bail, movement of opposite party no.2 requires to be restricted in order to instil confidence in his mind and other witnesses.

Accordingly, we modify conditions of bail imposed on opposite party no.2 vide order dated 18.04.2022 and direct opposite party no.2 while on bail shall not enter Ranaghat Police Station until further orders and shall provide the address where he shall reside to the Investigating Officer as well as the court below and report to the Officer-in-charge of the Police Station concerned within whose jurisdiction he shall reside once in a week until further orders.

With this direction, the petition is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

