

05.02.2024
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CRM (DB) 1226 of 2023
(CRAN 1 of 2023)

In Re : An application under Section 439(1)(b) of the Code of Criminal Procedure.

In Re : Shubadeep Giri And
.....petitioner

Mr. Rajdeep Majumder
Mr. Pritam Roy
Mr. Soewel Bhattacharjee
..... for the petitioner

Mr. Rudradipta Nandy, learned APP
Mr. Subroto Roy
..... for the State

Mr. A. Pahari
Mr. Soham Kumar
Mr. Abdul Kalam Chaudhury
..... for the de facto complainant

1. Learned Counsel for the petitioner submits inspite of repeated opportunities given to the victim to depose in court she has refused to depose before the court on the pretext of her illness. On the contrary she has levelled false accusation that the petitioner is threatening her. Under such circumstances, petitioner seeks relaxation of the condition of bail imposed on him.

2. Learned Counsel for the victim submits she is unwell and under treatment. As a result she could not depose.

3. We have considered the materials on record. Order dated 03.02.2024 passed by the trial court has been placed before us. Trial court expressed its dissatisfaction with regard to the conduct of the victim. It is observed that the victim was trying to avoid the court on the pretext of illness. Accordingly, the Court proceeded to issue witness warrant against her. This prima facie establishes victim is seeking to dilate the proceeding for reasons best known to her. This court had adjourned the prayer for relaxation of bail of the petitioner so that the victim may be examined in the meantime. However, victim has not shown eagerness to depose in court. Her plea of illness did not find favour with the trial court. Allegation of threat is also general and omnibus. Petitioner has been away from his home and hearth for a considerable period of time. Under such circumstances, we waive the conditions of bail imposed on the petitioner that is not to enter the district of Purba Medinipur and to report to the Officer-in-Charge, Khardah Police Station within whose jurisdiction he is presently residing once in a week.

4. Victim is directed to depose before the trial court on the next date fixed. Petitioner or his associates shall not cause any hindrance or obstruction to the victim during her deposition in court.

5. Accordingly, the application being CRAN 1 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)