

31.07.2023
tkm/ct 28
sl no. 51

C.R.M. 3599 of 2021

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

And

In Re : Sukhendu Bikash Bhowmick petitioner

Mr. Koustav Bagchi
Mr. D Ghosh
Ms. Priti Kar

..... for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta

..... for the State

Mr. Mukteswar Maity
Mr. S Bhattacharya
Mr. MD Abdul Halim
Ms. N Chaudhuri

..... for OP No. 2

Petitioner has approached this court assailing bail granted to opposite party no. 2.

It is contended on behalf of the petitioner that opposite party no. 2 had fired at him. A criminal case was registered. After being released on bail, he has again attacked the petitioner and burnt his vehicle. He prays for cancellation of bail.

Learned lawyer for the State submits report. From the report it appears that opposite party no. 2 has complied with the conditions of bail.

Learned lawyer for opposite party no. 2 submits that the trial court considered all relevant materials including the prior criminal case while granting bail to his client. He has not misused his liberty.

We have considered the materials on record. Trial court had considered the relevant materials while granting bail. Antecedents of opposite party no. 2 had also been taken into consideration. It may not be out of place to note that bail prayer granted in the earlier case had been assailed before this court in CRM (DB) 2300 of 2022, inter alia, on post bail conduct. By order dated 14.11.2022 this court disposed of the cancellation application imposing stricter conditions on opposite party no. 2 i.e not to enter the district of North 24 Parganas. Opposite party no. 2 appears to have been complying with the said conditions imposed upon him.

Under such circumstances, we find no reason to cancel the bail of opposite party no. 2, but we reiterate the aforesaid condition and direct opposite party no. 2 while on bail, shall not enter the district of North 24 Parganas except for the purpose of attending court proceedings and provide the address where he shall reside to the investigating agency and the court below and shall report to the Officer-in-Charge of the P.S within whose jurisdiction he shall presently reside once in a week until further orders.

With these directions, application for cancellation of bail is disposed of.

Personal appearance of Officer-in-Charge, Ghola P.S is noted and dispensed with.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)