

08.05.2023.
61.
Ct.No.28.
as

C.R.M. (DB) 4059 of 2022

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

In the matter of : Ashis Kumar Das.
... Petitioner.

Mr. Rajib Kr. Basu.
....for the Petitioner.

Mr. Gobinda Chandra Baidya.
....for the Opp. Parties.

Opposite party No.2 was enlarged on bail earlier. She failed to appear on a single day. Warrant of arrest came to be issued. On the next day, she voluntarily surrendered before the trial court and was enlarged on bail.

This order has been assailed by the petitioner. Petitioner contends opposite party no.2 and her associates have threatened him and other family members. He prays for cancellation of bail.

Learned Advocate for the opposite party no.2 denies and disputes such allegation. He contends petitioner had approached this Court in WPA 26808 of 2022 wherein I.C., Kotwali Police Station was directed to ensure that there is no breach of peace in the area.

We have considered the materials on record. Opposite party no.2 was granted bail earlier. She failed to appear before the trial court and warrant of arrest was issued against her. Subsequently, she was enlarged on bail.

We do not find any illegality in the order granting bail to opposite party no.2.

With regard to misuse of liberty, we note the interest of the petitioner is sufficiently protected by the order of the learned Single Judge in WPA 26808 of 2022 wherein I.C. Kotwali Police Station had directed to ensure that there is no breach of peace in the area.

Reiterating such direction, we dispose of the cancellation of bail.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)