

28.11.2023
Serial no.17
Court No.1
(AD)

*Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side*

CRM (DB) 175 of 2023

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

-And-

In the matter of : Asaraful Haque

... ..Petitioner

Mr. Swarup Das
Mr. Satyajit Paul ... for the petitioner.

Mr. Ujjwal Luksom
Mr. Arjun Chowdhury ... for the State.

Mr. Hillol Saha Podder
Ms. Mousumi Das ... for the de facto complainant.

The application is for cancellation of anticipatory bail granted to the private opposite parties by an order dated January 25, 2023.

Post-bail misconduct is the only ground for cancellation of the anticipatory bail granted in view of the fact that anticipatory bail was granted to the private opposite parties by the High Court.

So far as post-bail misconduct is concerned, learned Advocate appearing for the petitioner submits that, private opposite parties threatened the petitioner on several occasions. A police complaint with regard thereto was

lodged. He submits that, the police are hand in glove with the private opposite parties.

Private opposite parties are represented.

We called for the case diary of the subsequent police case relating to the threat held out by the private opposite parties. Such case diary is produced in Court.

We perused the materials-on-record in the case diary of the subsequent police complaint.

From the case diary, it does not transpire that the police could obtain any statement under Section 161 of the Code of Criminal Procedure of any independent eye-witness to the incident of the threats allegedly held out. The petitioner before us claims that, he was threatened several times both in his house and public places including a public street.

In view of the materials in the subsequent case diary, we are not persuaded to hold that the private opposite parties are guilty of post-bail misconduct.

Since the case for post-bail misconduct is not established, we are unable to cancel the anticipatory bail granted to the private opposite parties.

CRM (DB) 175 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)