

26.09.2023.

Item No. 75

Court No.1

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*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE*

C.R.M. (DB) No. 254 of 2023

In Re:- An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure filed on 12.05.2023.

And

In the matter of: **The State of West Bengal.** ...petitioner

Mr. Aditi Shankar Chakraborty, APP,
Mr. Sourav Ganguly.

....For the petitioner.

Mr. Subhasish Misra,
Mr. Swarup Das,
Mr. Satyajit Paul.

...For the respondent no.1.

1. The State has sought cancellation of bail granted to the petitioner on 6th February, 2023 in Criminal Misc. Case No. 2285 of 2022 by the learned Sessions Judge, Cooch Behar. The principal charge against the petitioner was under Section 364/302/201 of the Indian Penal Code and subsequently Sections 302/201 of the Indian Penal Code has been added.

2. Since after being enlarged on bail, the father of the victim has lodged a complaint on 14th February, 2023 that the accused, namely, Amal Roy, has been threatening and intimidating the complainants and the victim.

3. The learned Counsel for the accused, who was on bail, submits that the bail was originally granted to his client since there was only circumstantial evidence against him. He further submits that complaint of the victim's father is motivated and hence this application should not be entertained.

4. This Court has very carefully considered the complaint of the victim's father. Based on the complaint, the Officer-in-charge, Pundibari Police Station assigned the matter for investigation to an A.S.I., Pulak Ghosh. The said Pulak Ghosh, has submitted a report to the Officer-in-charge, Pundibari Police Station indicating that the accused has since after being enlarged on bail has been threatening the victim and the family.

5. The accused has not only violated the conditions of bail but has clearly abused and misused the liberty granted to him under Section 439 of the Code of Criminal Procedure, 1973.

6. This Court is not inclined to accede to the request of the accused person for a last opportunity or most stringent conditions.

7. The bail granted to the petitioner by the learned Sessions Judge, Cooch Behar dated 6th February, 2023 in Criminal Misc. Case No. 2285 of 2022 shall stand cancelled. The accused shall be taken into custody forthwith.

8. Hence, C.R.M. (DB) No.254 of 2023 is allowed and disposed of.

9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(*Supratim Bhattacharya, J.*) (*Rajasekhar Mantha, J.*)