

01.04.2024
tkm/ct 28
sl no.87

C.R.M. (DB) 1946 of 2023

In Re : An application under section 439(2) of the Code of Criminal
Procedure read with section 482 of the Code of Criminal Procedure
And

In Re : Sarjina Khatun petitioner

Mr. Tapan Dutta Gupta

Ms. Ipsita Ghosh

..... for the petitioner

Mr. Imran Ali

..... for the State

Ms. Minoti Gomes

..... for the OP no. 2

1. Petitioner has assailed order dated 23.2.2023 granting bail to opposite party no. 2 husband.
2. It is contended opposite party no. 2 after being released on bail has threatened the petitioner.
3. Learned lawyer for opposite party no. 2 denies and disputes the allegations.
4. We have considered the materials on record. It is alleged opposite party no. 2 had assaulted the petitioner over demand of dowry and had even tried to smother her with a pillow. Medical reports do not show petitioner had been smothered with a pillow. In this background whether opposite party no. 2 had intention to murder the victim requires to be assessed during trial. Hence, we are not inclined to cancel the bail granted to opposite party no. 2 on merits.

5. On the score of misuse of liberty we have gone through the complaints lodged with the police. Taking into consideration the generic allegations made therein we are of the opinion interest of justice would be served instead of cancelling the bail, movement of opposite party no. 2 is restricted so as to instill confidence in the mind of the petitioner and other witnesses also.
6. Accordingly we dispose of the application for cancellation of bail by directing that the opposite party no. 2 while on bail shall not enter the jurisdiction of Labpur P.S except for the purpose of attending court proceedings and shall provide the address where he shall presently reside to the investigating agency as well as court below and shall meet the officer in charge of the police station concerned within whose jurisdiction he shall presently reside once in a week until further orders. He shall regularly appear before the trial court and shall not seek unnecessary adjournments.
7. In the event he fails to do so, trial court shall be at liberty to cancel their bail in accordance with law.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)