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C.R.M. (DB) 2495 of 2023

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

In Re : Md. Rafique

..... petitioner

Mr. Bidyut Kr. Halder,
Mr. Indranil Halder,
Ms. Neha Singh.

..... for the petitioner

Mr. Rudradipta Nandy, Id. A.P.P.,
Mrs. Sonali Das.

..... for the State.

Mr. Chittaranjan Chakraborty,
Mr. Tarique Masood
Ms. Puspa Rani Jaiswala.

..... for O.P.No.2.

1. Petitioner has assailed bail granted to opposite party/accused. He contends opposite party/accused while on bail had threatened him.
2. In view of such submission, this Court called upon State to submit report.
3. Report is placed on record.
4. We have perused the report. Report shows a complaint was lodged at the police station on 17.05.2023 alleging that opposite party/accused had threatened the petitioner with dire consequences. Pursuant to direction passed by this Court a purported enquiry was made and proceedings under Section 107 of the Code of Criminal Procedure was initiated against opposite party/accused.

Report is bereft of any particulars with regard to nature of enquiry.

5. Be that as it may, it appears steps have been taken against the opposite party/accused with regard to alleged threat held out against the petitioner. Thereafter, no further allegation of misuse of liberty has been levelled against opposite party/accused.
6. Under such circumstances, we are of the opinion no case for cancellation of bail is made out.
7. It shall be open to the petitioner to seek appropriate relief in the event opposite party/accused or his associates indulge in unlawful or violent activities in future.
10. Accordingly, the application for cancellation of bail is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)