

05.04.2024
tkm/ct 28
sl no. 49

C.R.M. (DB) 2669 of 2022

In Re : An application for cancellation of bail under section 439(2) of the
Code of Criminal Procedure read with section 482 Cr.P.C
And

In Re : State of West Bengal petitioner

Mr. Suman De
..... for the petitioner/State

Mr. Tapan Datta Gupta
Mr. Parvej Anam
..... for the OP

Mr. Apalak Basu
Ms. S Mridha
..... for the de facto complainant

1. State has challenged order dated 19.4.2022 granting bail to opposite party-accused.
2. During hearing of the application this Court by order dated 16.1.2023 directed the opposite party-accused to remain outside the jurisdiction of Manicktala P.S and report to the Officer-in-charge of the police station concerned within whose jurisdiction he shall reside i.e. Narkeldanga P.S once in a week.
3. Learned lawyer for the State submits opposite party-accused had been seen inside Manicktala P.S on a number of occasions and did not regularly meet the Officer-in-charge of Narkeldanga P.S police station.
4. Opposite party-accused contends he resided outside the jurisdiction of Manicktala P.S and reported to Narkeldanga P.S. once in a week. However, police did not mark his attendance book on some occasions.

5. We have considered the materials on record. Opposite party-accused has been on bail for 1½ years. There is no allegation of threatening witnesses. It is contended he did not comply with the conditions imposed upon him vide order dated 16.1.2023. Allegation that he had been seen within Manicktala P.S is not supported by independent witnesses. That apart he had met the Officer-in-charge, Narkeldanga P.S on certain dates. It is contended on behalf of opposite party-accused that on other dates though he was present in the police station, police officer did not mark his attendance.
6. Without going into this controversy, we note he has substantially complied with the conditions imposed by us.
7. In view of the aforesaid, we are not inclined to cancel the bail. However, we direct the opposite party-accused to continue to scrupulously comply with the conditions imposed upon him vide order dated 16.1.2023.
8. With this observation application for cancellation of bail is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)