

01.04.2024
tkm/ct 28
sl no.83

C.R.M. (DB) 4236 of 2022

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

And

In Re : Riyazuddin Paik

..... petitioner

Mr. Shibaji Kr. Das
Mr. Palash Ch Majhi

..... for the petitioner

Mr. M Sur
Mr. M Mhaata

..... for the State

Mr. Jayanta Narayan Chatterjee
Ms. J Patra
Ms. Pritha Sinha

..... for OP nos. 2 to 4

1. Petitioner has assailed order dated 11.10.2022 granting bail to opposite party nos. 2 to 4 herein.
2. Learned counsel submits opposite party no. 2 is the principal accused who fired at the victim. There are serious allegations against opposite party nos. 3 and 4 also. Ignoring the gravity of the offence and involvement of the opposite party-accused the learned judge granted bail. Thereafter opposite parties have threatened the petitioner and other witnesses. Accordingly he prays for cancellation of bail.
3. Learned lawyer for the State submits report.
4. From the report it appears that date has been fixed for consideration of charge in July 2024.
5. We have considered the materials on record. It is true there are serious allegations against opposite party nos. 2 to 4 herein. However, they were in custody for a considerable

period of time. Noting these aspects the trial judge enlarged them on bail. We cannot come to a conclusion that the trial judge had acted in a perverse manner.

6. With regard to allegations of misuse of liberty we have gone through the complaints. Allegations therein are general and omnibus and do not disclose specific particulars with regard to the nature of threat. Hence, we are not inclined to take cognizance of these complaints and cancel the bail of opposite party nos. 2 to 4. However to instill confidence and ensure due supervision upon opposite party nos. 2 to 4 herein, we direct the said opposite parties to meet the officer-in-charge of Kulpi P.S once in a fortnight until further orders. They shall also appear before the trial court on every date of hearing and shall not seek unnecessary adjournments.
7. In the event they fail to do so, trial court shall be at liberty to cancel their bail in accordance with law.
8. With these directions, application for cancellation of bail is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)