

14.05.2024
Sl. No.43
akd

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (DB) 82 of 2024

In Re : An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure filed on 24.01.2024 :

A N D

In Re : Sohagi Biswas

... Petitioner

Mr. Jaydeep Kanta Bhowmik
Mr. Sayantan Bhowmik
Mr. Tushar Debnath
Ms. Jasmin Haque
Ms. Sayantani Das

... .. for the petitioner

Mr. Sudip Guha

... .. for the opposite party nos.2 to 6

Mr. Aditi Shankar Chakraborty .. Id. Addl. Public Prosecutor
Mr. Subhasis Misra

... .. for the State

1. It is submitted on behalf of the petitioner that the opposite party no.2 has misused his liberty and had threatened her as well as an eyewitness. Unless his bail is cancelled, the witnesses will not be able to depose without fear in court. Accordingly, she prays for cancellation of bail.
2. Learned Advocate for the opposite party nos.2 to 6 denies and disputes such allegation. He submits opposite party no.2 resides within the territorial jurisdiction of Bhaktinagar Police Station and had not entered Dhupguri Police Station.
3. Learned Advocate for the State produces the case diary.
4. We have considered the materials on record. Opposite party no.2 was enlarged on bail by a coordinate Bench of this court. He was

directed to remain within the territorial jurisdiction of the trial court. While it is contended opposite party no.2 is presently residing within Bhaktinagar Police Station and has not entered Dhupguri Police Station, learned Advocate for the petitioner strenuously argues opposite party no.2 had threatened his client and a vital eyewitness.

5. In view of the rival versions appearing before us, we are of the opinion instead of cancelling the bail granted to opposite party nos.2 to 6 herein we consider it prudent to impose strict conditions on opposite party no.2 so as to instill confidence in the minds of the petitioner and other witnesses.
6. Accordingly, we direct that opposite party no.2 shall not leave the jurisdiction of Bhaktinagar Police Station except for the purpose of attending court proceedings and shall not enter Dhupguri Police Station until further orders. He shall report to the Officer-in-charge, Bhaktinagar Police Station once in a week until further orders.
7. Other conditions of bail shall remain unaltered.
8. With the aforesaid modification, CRM (DB) 82 of 2024 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)