

20.06.2024
(D/L 39)
Ct. No.1
Disposed of
(SKB)

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CRM (DB) 243 of 2024**

In Re:- An application for cancellation of bail under
section 439(2) of the Code of Criminal Procedure.

In the matter of : Victim

... Petitioner

Mr. Partha Pratim Sarkar,
Mr. Sandip Guha Roy

... for the petitioner

Ms. Pratusha Dutta Chowdhury

... for the opposite party no.2

Mr. Aditi Shankar Chakraborty, ld. APP
Mr. Sourav Ganguly

1. The application seeking cancellation of bail granted to the petitioner has been made on the ground of misuse of bail by alleging that the opposite party has been intimidating the petitioner and her family members.
2. Counsel for the opposite party seriously disputes the submissions advanced by the petitioner.
3. The learned State counsel submits that on the complaints made by the present petitioner, the prosecution has been set in motion. He further points out that liberty has been granted in the bail order dated 3.7.2023 passed by the co-ordinate Bench to the

trial court to cancel the anticipatory bail without any further reference to this court in the event there is any failure on part of the opposite party to comply with the requirements under Section 438(2) Cr.P.C.

4. Learned counsel for the petitioner in these circumstances, submits he would be approaching the trial court to avail the said liberty.
5. Without expressing any opinion on merits of the petitioner's claim, we dispose of the application reserving liberty as noted above.

(Madhuresh Prasad, J.)

(Partha Sarathi Chatterjee, J.)