

18.06.2024
(S/L 18)
Ct. No.1
(NKB)

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CRM (DB) 362 of 2023**

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

In the matter of : The State of West Bengal

... Petitioner

Mr. Sourav Ganguly
Ms. Namrata Das

... for the State

Mr. Arjun Chowdhury,
Ms. Pratusha Dutta Chowdhury

... for the Opposite Party

1. Learned State counsel as well as the learned counsel for the opposite party is present.
2. State is before us seeking cancelation of bail granted to the petitioner. The prime ground urged is that he is an influential person by virtue of the fact that he was a Headmaster in the school. Copies of the Call Detail Report (CDR) have been relied upon to suggest that petitioner talked with parent of the victim girls and therefore, he submits that there is a violation of the conditions satisfied under Section 438(2) Cr.P.C. and misuse of bail.
3. We find from the records that on the prayer of the prosecution, the trial has been transferred from Kalimpong to Darjeeling so as to ensure that the trial can progress without any undue influence by the petitioner.
4. The CDR relied upon *prima facie* in our view does not establish that the petitioner has given any inducement

threat or promise to any of the victims, or their father/parent.

5. The law is well settled that grant of bail and cancelation of the same are on two very distinct parameters. Cancelation is to be allowed in case the Court comes to a conclusion that the beneficiary of the bail order has flouted the conditions of bail, the bail has been obtained on misrepresentation or fraud, in violation of the any statutory provision which prescribes that bail cannot be granted or that the petitioner has misused the liberty.
6. We find that the present case does not satisfy the four conditions settled by law in view of the recent decision of the Apex Court in the case of **Himanshu Sharma Vs. State of Madhya Pradesh** reported in **2024 (4) SCC 222**.
7. We are, therefore, not inclined to allow the prayer for cancelation of bail.
8. Accordingly, **CRM (DB) 362 of 2024** is dismissed.

(Madhuresh Prasad, J.)

(Partha Sarathi Chatterjee, J.)