

Form No.J(2)

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE**

Present :

The Hon'ble Justice Jay Sengupta

CRR/1497/2025

**SARIFUL SK @ SHER MAHAMMAD SK
-Versus-
THE STATE OF WEST BENGAL AND ANR.**

For the petitioner	:	Mr. Sayan Mukherjee, Adv., Mr. Diptendu Banerjee, Adv., Ms. Pinki Sarkar, Adv.
For the State	:	Mr. Debasish Roy, Ld. PP, Ms. Baisali Basu, Adv., Ms. Suruchi Saha, Adv.
For the OP No.2	:	Mr. Debashis Banerjee, Adv., Mr. Rakesh Jana, Adv.
Heard on	:	26.06.2025
Judgment on	:	26.06.2025

Jay Sengupta, J:

1. This is an application challenging the impugned order no.24 dated March 25, 2025, passed by the learned Additional Sessions Judge, 2nd Court, Katwa, in Sessions Case No.123/2022, arising out of Ketugram

Police Station Case No.262 of 2022 dated June 5, 2022, thereby cancelling the bail granted to the petitioner.

2. Learned Counsel appearing on behalf of the petitioner submits as follows. The petitioner was granted bail by a Division Bench of this Court on February 13, 2025, upon certain conditions. He has been fully complying with those conditions. The *de facto* complainant or the State did not challenge the order granting bail. On March 25, 2025, the learned Trial Judge cancelled the bail of the petitioner even after recording that the petitioner had been regularly attending Court and only on the ground that there was an allegation of threat being made upon the victim. From a plain reading of the letter of complaint dated March 13, 2025, which has been recorded as FIR subsequently, it does not appear that there was no specific allegation of giving threat. First, it refers to an incident of February 28, 2025, after a lapse of 13 days of being released on bail, that the petitioner was obtaining information about the victim/*de facto* complainant and was giving threats in different ways. It has not been clarified whether threat was given directly to the victim and in what manner. At the end, only an apprehension was expressed that the petitioner might commit any harm to the victim. On the

basis of such frivolous allegations, the petitioner's bail has been cancelled.

3. Learned Advocate for the *de facto* complainant strongly opposes the prayer for setting aside the cancellation of bail. The impugned order is a well reasoned one and the victim is actually in fear of getting harmed by the petitioner. In the original case, where bail was granted, the accused had chopped off the hand of the victim. The *de facto* complainant is staying within the jurisdiction of Ketugram Police Station and is working at Bardhaman Medical College.
4. Learned Counsel appearing on behalf of the State also opposes the prayer. She relies on the case diary of the subsequent case being Burdwan P.S. Case No. 273/25 dated 13.03.2025, under Section 232(1) BNS. She submits that a charge-sheet has already been filed in this case.
5. It appears from the case diary of the said subsequent case that apart from the FIR, there were a few statements of the relatives of the *de facto* complainant.
6. It is evident that the order granting bail by the Division Bench of this Court was never challenged by the victim/*de facto* complainant on merits. The only ground is post-bail conduct of the petitioner.

7. From the letter of complaint in question does not appear to disclose the mode and manner in which threats were given and whether it was given directly to the victim or not. The only convincing part of such letter of complaint was that the petitioner was trying to get information about the *de facto* complainant.
8. In the above referred circumstances and the materials contained in the case diary for the subsequent FIR, it does not show any compelling reason or supervening circumstance for which a bail granted by this Court on merits and after hearing the parties can be cancelled.
9. However, the safety and security of the *de facto* complainant has also to be taken into consideration in view of the nature of the original offence committed.
10. In view of the above and in the interest of justice, the impugned order dated March 25, 2025 is hereby set aside. The petitioner shall remain on bail on a further condition that he shall not enter the jurisdiction of Ketugram Police Station and Burdwan Police Station except for meeting the Investigating Officer or for attending the jurisdictional Court.
11. With these observations and directions, the criminal revisional application being CRR/1497/2025 stands disposed of.

- 12.** Criminal Section is directed to make available urgent photostat certified copy of this order, if applied for, to the parties upon compliance with all requisite formalities.

(Jay Sengupta, J.)

(Tanmoy Ghosh)
Assistant Registrar (Court)