Suppl. List 2. Sl. 2
Ct No.07
Jalpaiguri
09.10.2026
sp

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

CRM (M) 329 of 2026
Dilip Munda @ Gunga Munda
-Versus-
Smt. Mala Chhetri & Ors.

Mr. Debabrata Rai,
Mr. Soumyadeep Dhar.
...for the Petitioner.

Mr. Sayan De,
Mr. Rimik Chakraborty.
..for the opposite party no. 2/applicant.

Mr. Avrojyoti Das, ld. A.P.P.,
Mr. Bijay Bikram Das,
Mr. Abhilash Mittal.
..for the State.

1. It is submitted by the applicant that the matter was incorrectly moved before the Coordinate Bench of the Circuit Bench at Jalpaiguri and the original order dated 6th October, 2026 has been recalled by His Lordship Dr. Ajoy Kumar Mukherjee, J.

2. The accused has been notified and was present in Court.

3. The petitioner herein has prayed for cancellation of bail granted by this court vide order dated 15.6.2026 while disposing CRM (A) 338 of 2026.

4. By the said order, this court granted bail to the petitioner inter alia on condition that the petitioner shall cooperate with the Investigating agency and shall not threaten and intimidate witnesses. Petitioner was further directed to meet the Investigating agency as and

when required till submission of report in final form. Now the report submitted by the police dated 06.10.2026 reads as follows:

> *"The I.O. of the case went to serve notice upon the both accused persons for personal appearance for investigation. After reaching their respective residential house it was found that both the accused persons were not present at their respective house and could not be found after exercising due diligence so personal service failed. There was no any other family member present in the house so delivery of notice to an adult family member also could not be done. The I.O. enquired from the neighbors about the where about of both the accused persons and their respective neighbors could only say that since last past several days they are not at their respective residential house and neither any neighbors know about the where abouts of both the accused persons.*
>
> *Finding no other option the I.O. of the case on dated 11.7.2026 affixed the notice of appearance in connection with the case to conspicuous part of the house i,e. in front of the gate which is clearly visible in presence of witnesses and the above named two accused persons were required to appear before the I.O. by date 23.7.2026.*
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> *The above named two accused persons did not turn up at the police station by the date 23.7.2026. Then again the I.O. of the case sent notice of appearance to both the two accused persons, this time by speed post on 14.9.2026 and asking the two accused persons to appear before the I.O. of the case by 20.9.2026. The notice by speed post was posted on 14.9.2026 from Matigara Post Office. The sent notice was returned to I.O. with remark mentioned as 17.9.2026."*

5. It further appears that the police officer has also reported that two accused persons have several criminal antecedents being Matigara Police Station case no. 936 of 2022, 1165 of 2022, 184 of 2023, 649 of 2025, 50 of 2026 and 293 of 2026.

6. Having considered the aforesaid facts and circumstances of the case, it clearly reveals that the petitioner has flouted the conditions granted in the bail order and therefore, this is a fit case where the prayer for cancellation of bail is required to be allowed.

7. In view of above, the bail granted in favour of the petitioner vide order dated 15.6.2026 is hereby cancelled.

8. Petitioner is directed to surrender before the court below within a period of two weeks from the date of communication of the order. In

the event of such surrender, the court below will dispose of his prayer in accordance with law.

9. If the petitioner fails to surrender before the court below within the said period, the court below will be at liberty to take coercive steps against the petitioner under the law to secure their attendance.

10. Accordingly, CRM (M) 329 of 2026 is disposed of.

(Rajasekhar Mantha, J.)