

08.06.2022
Item No.04
Suman
Ct.42

(Via Video Conference)

CRM (SB) 77 of 2022

In Re: An application under Section 439(2) of the Code of Criminal Procedure arising out of Kasba Police Station Case No.254/21 dated 20.08.2021 under Sections 341/354B/506/114 of the Indian Penal Code.

And

In the matter of: **Mousumi Narayan (Nee Pal)**
Vs.
The State of West Bengal & Ors.

Mr. Kunal Ganguly
Mr. Tirthankar Mukherjee
Ms. Madhurima Sarkar
Mr. Munshi Ashiq Elahi
....for the petitioner

Mr.Somnath Banerjee
Mr. S. A. Joynal
Mr. Pronajit Roy
...for the opposite party Nos. 2 and 3

Ms. Sreyashee Biswas
...for the State

On the allegation that the petitioner was harassed, threatened with dire consequences and molested by the opposite party Nos. 2 and 3, Kasba Police Station Case No.254 of 2021 was registered on 20th August, 2021 against the private opposite parties under Sections

341/354B/506/114 of the Indian Penal Code. The accused persons/private opposite parties were granted interim bail and subsequently confirmed bail by the jurisdictional Magistrate holding, inter alia, that the opposite parties have complied with Section 41A of the Code of Criminal Procedure.

Even thereafter the accused persons committed the same offence which compelled the petitioner to lodge another complaint at Anandapur Police Station. Police registered Anandapur Police Station Case No. 63 dated 5th April, 2022 against the private opposite parties. The learned ACJM granted bail to both the private opposite parties vide order dated 3rd November, 2021 when they surrendered before the said Court. Now, the petitioner has come up with an application for cancellation of bail alleging the post bail conduct by the opposite parties.

Today the learned advocate for the petitioner has filed a supplementary affidavit stating, inter alia, that not only the opposite parties are threatening the petitioner to withdraw the case but also the learned advocate for the petitioner in this Court was threatened by one Goutam Ghatak, inspector of Missing Person Bureau, Barasat Police District. A complaint was made by the learned advocate for the petitioner to various authorities of the police department including the Chief Minister of the State of West Bengal.

On perusal of the materials on record and having heard the learned advocates for the parties, it is prima facie proved when Anandapur Police Station case number was registered against the opposite parties that their post bail conduct was not satisfactory. They have not observed the conditions for bail. Therefore, I am inclined to cancel the order of bail passed in favour of the opposite parties. The police authority is directed to arrest the opposite parties forthwith.

Since the learned advocate for the petitioner was even threatened by the police inspector being the well wisher of the opposite parties, this Court is of the view that both Kasba Police Station Case No.254 of 2021 and Anandapur Police Station Case No.63 dated 5th April, 2022 ought to be investigated by a competent officer of C.I.D., West Bengal. Therefore, the Officers-in-charge of Kasba P.S. and Anandapur P.S. are directed to hand over the case diary of the above mentioned case to the Officer, CID for further investigation as appointed by the D.I.G., C.I.D.

Let a copy of this order be sent to the D.I.G., C.I.D., Government of West Bengal at Bhawani Bhawan, Alipore.

Let a copy of this order be sent also to the Officers-in-charge of Kasba P.S. and Anandapur P.S. for information and necessary action.

The instant criminal motion is, thus, disposed of on contest.

(Bibek Chaudhuri, J.)