

10.06.2021

Sl. No.10

Court No.30

BM

CRM 1098 of 2019

(Via Video Conference)

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973.

And

**In the matter of : Vikram Shah @ Vikram Ramkhelawan Shah
... Petitioner**

Mr. Avirup Mondal

Mr. Soumalya Ganguly ... for the petitioner

Mr. N. Ahmed, learned APP

Mr. Binay Panda

Ms. Puspita Saha ... for the State

Learned counsel for the State invites our attention to the order dated 25.02.2019 and submits that the petitioner was released on bail upon furnishing bond of Rs.10,000/- with two sureties of like amount one of whom was local to the satisfaction of the learned Chief Judicial Magistrate, Purba Bardhaman on condition that he shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and shall appear before the trial Court on every date of hearing. Such order was passed taking into consideration the submission made on behalf of the petitioner as well as learned counsel for the State and bearing upon the materials in the case diary and the report submitted by the State. Finding no antecedent against the petitioner and further considering that the petitioner had suffered detention for considerable period, the Co-ordinate Bench of this Hon'ble Court granted bail and disposed of the application being

CRM 1098 of 2019. Yet, the case stood listed for report of the DIG, CID, West Bengal who was directed to review the record and submit report, but the report has not been submitted.

Learned counsel for the petitioner submits that the petitioner is attending Court in terms of condition of bail order.

We are of the view that the observation in the bail order appears to us to be contrary to the two views taken, one for grant of bail taking leniency in the matter and another view as to the seriousness of the case. We find no reason for pendency of the case for the said report because it is for the trial court to take into account on the basis of evidence before him about the seriousness of the offence and to direct the authority to report before trial court.

Thus, bail application being CRM 1098 of 2019 be treated as disposed of.

(Saugata Bhattacharyya, J.)

(Shivakant Prasad ,J.)