

CRR 1126 of 2020
With
IA No. CRAN 1 of 2020
(CRAN 4396 of 2020)
(Via Video Conference)

Sankar Roy
Vs.
The State of West Bengal & Anr.

Mr. Debajit Kundu
... For the petitioner.

Mr. Saibal Bapuli,
Ms. Sayanti Santra
... For the State.

Mr. Ayan Bhattacharya
... For the opposite party no2.

This is an application challenging the order dated 17th December, 2019, passed by the learned Sessions Judge in Criminal Misc. Case No.1967 of 2019 corresponding to G.R. Case No.1454 of 2019, pending before the learned Chief Judicial Magistrate, Suri, Birbhum.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was a sub-contractor of the opposite party no.2 who alleged at one point that the petitioner had misappropriated its property worth Rs.10,00,000/- (rupees ten lakhs). The petitioner was thereafter granted bail by the learned Sessions Judge, Birbhum, vide order dated 17th December, 2019. The petitioner was asked to make a deposit of Rs. 10,00,000/- in a nationalized bank. But the petitioner fails to do so. Instead the petitioner preferred an application for anticipatory bail before this Court. By an order dated 30th June, 2020 in CRM 4616 of 2020 this Court was pleased to reject the application for anticipatory

bail. However, the petitioner was granted liberty to pay for modification of the order by which the petitioner granted bail. According to the petitioner, he tried to move the application before the learned Sessions Judge, but the learned Sessions Judge did not allow the same and asked him to approach the Hon'ble Supreme Court. The petitioner was thus constrained to move the present application seeking modification of the order.

Learned counsel appearing on behalf of the opposite party no.2 submits that the petitioner is enjoying the benefit of anticipatory bail without making the payment of money that he was supposed to make.

Learned counsel appearing on behalf of the State opposes the application and submits that the statement made by the petitioner at paragraph no.12 about the learned Sessions Judge refusing to deal with the application for modification has been made without any basis whatsoever.

It appears that the petitioner was granted anticipatory bail on condition to make payment after he had volunteered to make good the loss. When he moved the Division Bench of this Court, it granted an opportunity to the petitioner to pray for modification. It further appears that without praying for such modification before the learned Court granting bail, the petitioner has approached this Court.

The statement made by the petitioner that the learned Sessions Judge did not consider his prayer for modification is rather difficult to accept.

In the facts of the present case and in the interest of justice, it will be appropriate to grant the petitioner another opportunity to

pray for modification of the order by which the petitioner was granted bail earlier in tune with the earlier order dated 30th June, 2020 passed by a Division Bench of this Court in CRM 4616 of 2020.

Accordingly, the revisional application is disposed of with a direction that the petitioner shall be at liberty to pray for modification of the order by which the petitioner was granted bail within three weeks from date and the concerned learned Sessions Judge shall consider the same after giving an opportunity of hearing to all the concerned parties.

With these observations, the revisional application, along with the connected application, is disposed of.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon usual undertakings.

(Jay Sengupta, J.)