

20.12. 2021
item No.17
n.b.
ct. no. 34

(Via video conference)

C.R.M 1831 of 2021

In Re: An application for Cancellation of bail under
Section 439(2) of the Code of Criminal Procedure, 1973

And

**In the matter of : Sri Shyama Pada Biswas
.... Petitioner.**

Mr. Sekhar Pal,
Mr. M. Islam,

Mr.

.....For the Petitioner

Mr. S. G. Mukherjee, Ld. P.P.
Mr. Ranabir Roy Chowdhury,
Mr. Sandip Chakraborty,
... for the State.

Mr. Navanil De,
Ms. Ayantika Roy,
Mr. Subhrajit Dey

For the O.P. No.2

Learned advocate appearing for the
petitioner/complainant submits that the petitioner not only
committed the present offence but after being released on bail, he
has been threatening of dire consequences for which even the
police authorities did not register proper case and accordingly the
petitioner had to approach the jurisdictional court under Section
156(3) of the Code of Criminal Procedure and thereafter a case was
registered.

Learned advocate additionally submits that there are
overwhelming materials which point to the guilt of the accused and

the learned Magistrate erroneously released the petitioner on bail without considering the entire gravity of the offence and the huge amount of money involved.

Mr. Ranabir Roychowdhury produced the Case Diary and drew the attention of this court to the statement of the witnesses as well as the materials collected by the Investigating Agency and which has been relied upon for proving the case. The case Diary reflects that the investigation has been completed and charge-sheet has been filed before the jurisdictional Court.

Mr. Navanil De, learned advocate appears on behalf of the opposite party no.2. I have taken into account the submissions of the learned advocates appearing for the parties and the period during which the petitioner was on interim bail in connection with this case. Report reflects that the petitioner was granted bail on December 5, 2020 and on December 19, 2021 the said order of interim bail was confirmed. The order dated December 19, 2020 reflects that cancellation of bail application was preferred by the present petitioner which was kept pending and the learned Court confirmed the bail and postponed hearing of the cancellation of the bail application, till date the said application has not been disposed of.

Accordingly, without entering into the issue of Section 439(2) of Cr.P.C, I direct the learned Chief Judicial Magistrate, 24 Parganas (North) to dispose of the application for cancellation of bail within a period of eight weeks from date, after issuing notice to all parties.

Needless to state this is not a direction for either granting bail or rejecting bail. As the application is pending before the said court and the bail was confirmed by ignoring the petition for cancellation of bail, direction is being passed to dispose of such application.

Accordingly, CRM 1831 of 2021 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Tirthankar Ghosh, J.)