

13.09.2021
SL No.18
Court No.30
(gc)

CRM 4133 of 2020
With
CRAN 1 of 2020
(Old No: CRAN 2340 of 2020)
(Via video Conference)

In Re:- An application under section 439(2) of the Code of Criminal Procedure.

And

In the matter of : **Rajib Mallick**

- Petitioner

Mr. Debapratim Guha,
Mr. Rajiv Lochan Chakraborty,
Mr. Priyanjit Kundu,
Ms. Anchita Sarkar,
... For the Petitioner.

Mr. Neguive Ahmed, Ld. A.P.P.,
Mr. N.P. Agarwal,
Ms. Amita Gaur,
... For the State.

Mr. Saumyajit Das Mahapatra,
Mr. Dhananjay Banerjee,
... For the Opposite Party No.2.

This is an application for cancellation of bail. The primary ground for cancellation is that misrepresentation has been made with regard to the submission made on behalf of the opposite party No.2 that the dying declaration does not refer to the petition.

On 15th May, 2020, while granting bail, the only consideration for the prayer for bail appears to be that investigation was complete. The Coordinate Bench had taken note of the submission made on behalf of the petitioner who is the opposite party No.2 in this proceeding that the dying declaration given by the victim to another private person as reported by such

private person, did not name the petitioner. The State was represented by Mr. Neguive Ahmed, Ld. A.P.P. The case diary was produced. The Coordinate Bench granted bail on perusal of the case diary. The Coordinate Bench was of the view that since the investigation has been completed and there may not be any further need for the custodial interrogation, the allegation of post bail, breach of the conditions mentioned in the order dated 15th May, 2020 could be not substantiated. The State does not say that the opposite party No.2 failed to appear on the date fixed for trial. No allegation of any intimidation appears to have been made with the local police station after the opposite party No.2 was granted bail.

On such consideration, we do not find any reason to cancel the bail.

With the aforesaid observations, the application for cancellation of bail, being CRM No.4133 of 2020, and the application being CRAN 1 of 2020 (Old No: CRAN 2340 of 2020) stand disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Rabindranath Samanta, J.)

(Soumen Sen, J.)