

CRM 3333 of 2021

In re : An application under Section 439(2) read with Section 482 of the Code of Criminal Procedure, 1973.

In the matter of : **Smt. Subha Das**

..... petitioner

**Mr. Rudra Jyoti Bhattacharjee
Ms. Debjani Ghosal**

....For the petitioner

**Mr. Subir Ganguly
Mr. Sumanta Ganguly**

....For the opposite party no. 2

**Mr. Narayan Prasad Agarwala
Mr. Ashok Das**

....For the State

The opposite party no. 2 was granted an interim bail by this Court on October 12, 2018, in connection with Chinsurah Police Station Case No. 519 of 2017 under Sections 420/406 of the Indian Penal Code, 1860.

The relevant part of the said order dated October 12, 2018, is reproduced hereunder:-

“It is submitted by learned advocate for the petitioner that admittedly a sum of Rs.25,00,000/- was received by his client and he has already refunded a sum of Rs.11,61,000/- and the balance amount he would return to the defacto complainant within a period of six months.

On the above submission and upon hearing learned advocate for the State and so also learned advocate for the defacto complainant, the prayer is considered and the petitioner be released on interim bail upon furnishing bond of Rs.10,000/- with two sureties of Rs.5,000/- each one of whom must be local subject to the satisfaction of learned Chief Judicial Magistrate, Chinsurah, Hooghly on condition that he will meet the Investigating Officer twice in a week.”

It has been submitted by the learned advocate for the accused/opposite party no. 2 that the interim bail granted by

this Court on October 12, 2018 has been subsequently confirmed by the learned Chief Judicial Magistrate, Hooghly on April 6, 2019.

By filing this application for cancellation of bail, the de-facto complainant/petitioner submitted before the Court that the accused/opposite party no. 2 did not comply with the terms of the order dated October 12, 2018.

This application for cancellation of bail was taken up for hearing on July 28, 2021, when the hearing of the application was adjourned for a period of two weeks to enable the opposite party no. 2/accused to make a payment of Rs.6,00,000/-.

Today, it has been admitted by the learned advocate for the opposite party no. 2 that the opposite party no. 2 has again failed to make any payment in terms of the said order dated July 28, 2021 to the petitioner.

The interim bail was granted to the opposite party no. 2 on the specific assurance to return the balance amount of Rs.13,39,000/- within a period of six months from date of the order. To show his *bona fide*, accused/opposite party no. 2 was given another opportunity on July 28, 2021

In view of the failure of the petitioner to comply with his undertaking given at the time of obtaining the interim bail, I am left with no other option but to cancel the bail granted to the petitioner.

The application for cancellation of bail being CRM 3333 of 2021 stands allowed.

The learned Magistrate in the Court below shall proceed against the petitioner in accordance with law.

All parties shall act upon the server copy of this order duly downloaded from the official website of this Court.

(Kausik Chanda, J.)