

17.12. 2021
item No.26
n.b.
ct. no. 34

(Via video conference)

C.R.M 5093 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 : Ranadeep Ghosh
.... Petitioner.**

Mr. Debabrata Ganguly,
Ms. Debaleena Ganguly,
.....For the Petitioner

Mr. Abhra Mukherjee,
Ms. Debjani Sahu
... for the State.

Report submitted by the learned advocate for the State be
kept with the record.

The subject matter of challenge relates to the granting of
bail by the Additional Chief Judicial Magistrate, Barrackpur, North
24 Parganas vide order dated 05.07.2021.

Mr. Abhra Mukherjee, learned advocate for the State has
submitted a report which reflects that the Case Diary was not
produced before the Court.

As the Case Diary was not produced on the date on
which bail was granted by the Additional Chief Judicial Magistrate,
Barrackpur and in view of the judgment of the Hon'ble Supreme
Court in the case of Satender Kumar Antil Vs. Central Bureau Of
Investigation & Anr reported in 2021 SCC OnLine SC 922, I am of
the opinion that the guidelines laid down by the Hon'ble Supreme

Court should be followed. The offence complained of is under category – 'A'. Accordingly, it would be advisable that on the first occasion when the petitioner appears and surrenders before the learned Magistrate if it satisfies the concerned learned Magistrate. Interim bail may be granted and subsequently a date may be fixed for production of the Case Diary so that after consideration of the Case Diary, the learned Magistrate would decide whether to confirm the bail or reject the bail.

The order dated 05.07.2021 granting bail to the opposite party nos.2 and 3 are altered to an interim bail which be valid till 31st January, 2022. The opposite party nos.2 and 3 will appear before the Additional Chief Judicial Magistrate, Barrackpur preferably within 1st week of January, 2022 when the learned Court will call for Case Diary and fix a date by 31st January, 2022 and dispose of the application for bail in accordance with law.

Needless to state that the aforesaid directions are not any indication for cancelling the bail. The Court would consider the Case Diary and the materials appearing therein and express satisfaction whether the bail should be granted or rejected.

With the aforesaid observation, C.R.M 5093 of 2021 is disposed of.

All pending connected applications, if any, are consequently disposed of.

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

(Tirthankar Ghosh, J.)