

D/L23
December
20, 2021
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C.R.M. No.6261 of 2021
(Via Video Conference)

In Re: An application under Section 439(2) of the Code of Criminal
Procedure for cancellation of bail;

Sanchari Saha @ Sahoo
Versus
The State of West Bengal & Ors.

Mr. Himanshu De,
Mr. Navanil De,
Mr. Subhrajit Dey.
...for the petitioner.

Mr. Arijit Ganguly,
Mr. Sanjib Kr. Dan.
...for the State.

Mr. Prasenjit Debnath.
...for the opposite party nos.2 and 3.

Affidavit-of-service and supplementary affidavit so filed
by the petitioner be kept with the record.

Mr. Himanshu De, learned senior advocate appearing for
the petitioner submits that the order of granting bail is perverse
order and the learned court based the foundation of the order
granting bail on reasons which do not relate to the foundation of the
offence. Learned advocate additionally submits that till date the
recovery of the stridhan articles has not been completed,
particularly the gold ornaments and also refers to a communication
of a learned lawyer being made to the petitioner.

Mr. Arijit Ganguly, learned advocate, appears for the

State and produces the case diary. Learned advocate draws the attention of this Court to the seizure list.

Learned advocate for the private opposite party nos.2 and 3 draws the attention of this Court to the date on which the seizure was effected and the date of the communication.

I find that the learned Magistrate while granting the order of bail on 7th April, 2021 considered the materials in the case diary, the conduct of the accused persons, the compliance under Section 41A of the Code of Criminal Procedure and the issue of whether custodial interrogation was required. The learned Magistrate thereafter on an assessment of the facts as appearing in the case diary granted bail to the opposite party nos.2 and 3. I find no reason to interfere with the order granting bail.

Accordingly, CRM 6261 of 2021 is dismissed.

However, anxiety has been expressed by the learned senior advocate appearing for the petitioner regarding recovery of the stridhan articles and use of locker of the bank where such gold ornaments were kept at the instance of accused opposite party nos.2 and 3.

In view of such submission, if the petitioner takes out an application to that effect, the learned jurisdictional court will decide the same in accordance with law keeping in mind that the list of articles enclosed in the letter of complaint and compare the same with the seizure list dated 19.04.2021, apply his mind as to whether the processes of law are required to be exhausted for the said purpose.

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

(Tirthankar Ghosh, J.)