

24.12.2021
Item Nos.39&40
Ct.No.34
dc.

C.R.R. 1980 of 2021
with
CRM 6524 of 2021
(Via Video Conference)

Re: C.R.R. 1980 of 2021

In Re : An Application under Article 227 of the Constitution of India read with Sections 482 and 401 of the Code of Criminal Procedure filed in connection with Bidhannagar East Police Station Case No. 113 dated 01.09.2021 under Sections 498A/406 of the Indian Penal Code.

And

In Re : **Dipankar Mitra** ... Petitioner.

Mr. Arka Pratim Chowdhury,
Ms. Saswati Chatterjee,
Mr. Sunny Nandy,
Mr. Tamal Singha Roy,
Ms. S. Pathak

... For the Petitioner in CRR 1980/2021.

Mr. S. G. Mukherjee, Ld. P.P.,
Mr. Arijit Ganguly,
Md. Kutub Uddin ... For the State.

Mr. Rudradipto Nandy,
Ms. Debadrita Mondal,
Ms. Sanjana Saha

... For the Opposite Party No. 5
in CRR 1980/2021.

So far as CRR 1980 of 2021 is concerned, the application was preferred for allegedly certain acts and actions of the investigating officer with a prayer for discharging the petitioner from the case being Bidhannagar

East Police Station Case No. 113 dated 01.09.2021 under Sections 498A/406 of the Indian Penal Code.

On perusal of the materials of the case, I am of the opinion that investigation of the case is in progress and the police authorities are yet to come to a finding as to whether offence has been made out or not. Thus, the petitioner is granted liberty to approach this Court once the report under Section 173 of the Code of Criminal Procedure is filed before the jurisdictional Magistrate.

With the aforesaid observations, the revisional application being CRR 1980 of 2021 is disposed of.

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

Re: CRM 6524 of 2021

In Re : An Application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure, 1973 filed in connection with Bidhannagar (East) Police Station Case No. 113/2021 dated 01.09.2021 (G.R. Case No.1063 of 2021) under Sections 498A/406 of the Indian Penal Code.

And

In Re : **Smt. Sharmistha Mitra nee Dutta** ... Petitioner.

Mr. Rudradipto Nandy,
Ms. Debadrita Mondal,
Ms. Sanjana Saha

... For the Petitioner in CRM 6524/2021.

Mr. S. G. Mukherjee, Ld. P.P.,
Mr. Arijit Ganguly,
Md. Kutub Uddin

... For the State.

Mr. Arka Pratim Chowdhury,
 Ms. Saswati Chatterjee,
 Mr. Sunny Nandy,
 Mr. Tamal Singha Roy,
 Ms. S. Pathak ... For the Opposite Party No.2
 in CRM 6524/2021.

Pursuant to the order dated 21.12.2021, a report has been submitted by the learned Public Prosecutor enclosing copy of the seizure list. The seizure list incorporates 23 heads under which seizures have been effected. Let the said report dated 24.12.2021 be kept with the record.

Mr. Nandy, learned advocate appearing for the petitioner submits that some of the wearing apparels of the children as also their passport and Aadhar Card were retained by the accused/opposite party no.2.

Mr. Chowdhury, learned advocate appearing for the opposite party no.2 submits that on the date of seizure, the police authorities exhausted the process for recovery from the residence, but they failed. Learned advocate reiterates that the same is not available.

The learned advocates for the parties are directed to ventilate their grievance for recovery/further recovery before the learned Additional Chief Judicial Magistrate, Bidhannagar.

So far as the issue of cancellation of bail is concerned, I am of the opinion that after the search and seizure, which have been effected by the police authorities, there has been

change of circumstance and as such, the order granting bail does not call for any interference by this Court.

However, the Officer-in-Charge, Bidhannagar (East) Police Station or the Investigating Officer of the case will be at liberty to seek the physical presence of the accused (Dipankar Mitra) once a week until further orders.

With the aforesaid observations, CRM 6524 of 2021 is disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)