

10.03.2022

Sl. 53
Court No.29
Suvayan

CRM (DB) 530 of 2022

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

And

In the matter of: Suparna Dey

....petitioner.

Mr. Rajdeep Mazumder

Ms. Arushi Rathore

... for the petitioner.

Mr. Tanmay Kr. Ghosh

Ms. Pritha Paul

...for the State

Petitioner assails an order dated November 24, 2021 by which the Special Court granted bail to the private opposite party in a case involving the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Learned Advocate appearing for the petitioner submits that the case record was sent to the Special Court only on November 10, 2021 when the Special Court fixed the case on December 23, 2021. Thereafter, all of a sudden, a put up petition was filed on November 24, 2021 before this Special Court who considered such petition and granted bail. He submits that the case diary was produced by the Public Prosecutor which is unusual.

State is represented. None appears for the private opposite party.

It appears from the records that the Special Court received the records of the case on November 10, 2021 and fixed the same on December 23, 2021 as the next date. On November 24, 2021 a put up petition was filed on behalf of the private opposite parties who surrendered before the Special Court and prayed for bail. In view of such put up petition and surrender by the private opposite

parties coupled with the prayer for bail, learned Court heard the Advocate for the private opposite party as also the learned Public Prosecutor in charge with regard to the prayer for bail. The learned Court also perused the case diary.

We find nothing unusual in the production of the case diary when a put up petition was filed upon notice of the Public Prosecutor particularly when, the private opposite parties were surrendering before the Special Court and praying for bail. A prayer for bail ideally needs to be considered in the context of the materials in the case diary.

The learned Special Court proceeded to grant bail to the private opposite parties taking into consideration the materials available in the case diary and taking into consideration the aspect that there was a family dispute and a title suit pending between the petitioner and the private opposite parties relating to the land dispute.

We do not find any infirmity in the impugned order warranting our interference.

Consequently, C.R.M. (DB) 530 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)