

21.04.2022

Serial no.70

Dd

CRM (DB) 584 of 2022

In re : An Application under Section 439(2) of the Code of Criminal Procedure, 1973.

-And-

In the matter of : Sabir Hosen Mollah

... ...Petitioner

Mr. Debasish Ghosh,
Mr. Nilanjan Adhikari, Advocates
... ... For the Petitioner

Mr. Prasun Kr. Dutta, Id. APP
Mr. S. S Imam,
Md. Kutubuddin, Advocates
... ...For the State

Mr. Abhra Mukherjee,
Mr. Suvanjan Mandal,
Mr. Souradeep Dutta,
Mr. Amit Banerjee,
Mr. Sukumar Bhunia, Advocates
.. ...For OP nos. 2

Petitioner prays for cancellation of the order granting bail dated February 2, 2022.

Learned advocate appearing for the petitioner submits that the petitioner was not present at the time when a purported affidavit claiming to be affirmed by the petitioner and used in Court was filed in a Court proceeding.

State and the private opposite parties is present.

It appears from the record that the offending document was seized by the police.

The learned Judge while granting bail to the private opposite parties, considered the materials in the case diary and considered the fact that the disputes relate to an immovable property. The learned Judge found that the issue of determination of genuineness of the signature in a document cannot be a ground for detention of the accused in custody.

We find no material irregularity in the order granting bail dated February 2, 2022 so as to cancel the bail granted.

CRM (DB) 584 of 2022 is accordingly dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)