

09.03.2022

Sl. 38
Court No.29
suvayan
(rejected)

C.R.M. (DB) 645 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.03.2022 in connection with **Malda** P.S. Case No. **578 of 2019** dated **08/09/2019** under Sections **392/397/411** of the Indian Penal Code.

And

In the matter of: Surojit Ghosh

....petitioner.

Mr. Shataroop Purkayastha

Ms. Jagriti Bhattacharya

...for the petitioner.

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

...for the State.

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner was initially granted bail on the condition that the petitioner was required to appear before the trial Court on dates of trial. The petitioner applied under Section 317 of the Criminal Procedure Code to be represented by Advocates on five several dates. The petitioner was, however, not represented by the Advocate on one date whereupon, warrant of arrest issued and the petitioner was taken into custody. Since then, ten dates went by and the prosecution is yet to examine its first witness.

Learned Advocate appearing for the State draws the attention of the Court to the contents in the case diary. He submits that the petitioner did not appear before the trial Court subsequent to the grants of bail in terms of the conditions governing the bail.

Considering the gravity of the offence and the involvement of the petitioner therein and considering the fact that the petitioner was granted bail on the condition that he should appear on the dates of trial and considering the fact that the petitioner failed to do

so whereupon the bail granted in favour of the petitioner was cancelled and considering the fact that there is hardly any change in circumstances from the earlier order of rejection, we are unable to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

C.R.M. (DB) 645 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)