

C.R.M. (DB) 647 of 2022

25.04.2022
Sl. 82
Court No.29
sourav
(DO)

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

And

In the matter of: **The State of West Bengal**

....petitioner/State.

Mr. Madhusudan Sur, Ld. APP
Ms. Sreyashee Biswas

...for the petitioner/State.

Mr. Ayan Poddar
Ms. Poulami Bhounick

...for the opposite party nos. 1 to 3.

The application for cancellation of the bail granted on October 8, 2021 passed by the learned Additional Chief Judicial Magistrate, Barrackpore is under challenge in this application.

Learned advocate appearing for the State submits that on October 7, 2021, the learned court considering the nature and gravity of the allegations and the fact that the investigation was in progress, rejected the prayer for bail.

He submits that on October 8, 2021, the learned judge granted bail to the opposite parties on the ground of the period of detention. He submits that the learned judge failed to take into account the gravity of the offence and the materials in the case diary so far as the opposite parties are concerned.

He refers to the statement recorded under Section 164 of the Criminal Procedure Code of the victim. He submits that the victims are ladies of Bangladesh. The opposite parties are involved in human trafficking.

Learned advocate appearing for the opposite parties submits that the opposite parties did not act in contravention of any of the conditions granting bail. He refers to the order dated October 8, 2021 and submits that there is justification for the bail being granted.

On October 7, 2021, the learned judge considered the gravity of the offence and the fact that the investigations were in progress and refused the prayer for grant of bail. On October 8, 2021, that is the next date itself, the learned judge, took into account the period of detention of the opposite parties and granted bail. On October 8, 2021, the learned judge did not allude to the gravity of the offence and involvement of the opposite parties as transpiring from the materials in the case diary. It is contended on behalf of the opposite parties that the interim bail granted on October 8, 2021 was confirmed by the Court on April 18, 2021.

There are materials in the case diary incriminating opposite parties in the human trafficking that two of foreign nationals.

Considering the gravity of the offence and the involvement of the opposite parties as *prima facie* transpiring from the materials in the case diary, we are of the view that the learned judge erred in granting bail to the opposite parties particularly when, he rejected such prayer on the previous date itself.

In such circumstances, the order granting interim bail dated October 8, 2021 confirmed on April 18, 2021 are cancelled. The opposite parties will surrender before the jurisdictional Court within seven days from date.

CRM (DB) 647 of 2022 is, therefore, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

