

19.09.2022
Sl. No.43
akd

C. R. M. (DB) 940 of 2022

In Re : An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure filed on 05.04.2022 :

A N D

In Re : M/s. Dia Gold Jewels Pvt. Ltd. Petitioner

Mr. Sabyasachi Banerjee
Mr. Ajitesh Pandey
Ms. Nahid Ahmed

... .. for the petitioner

Mr. Jogendra Pandey
Mr. Ranjit Singh

... .. for opposite party no. 2

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

... .. for the State

Supplementary affidavit has been filed assailing the order dated 07.04.2022 confirming the interim bail granted to the opposite party no.2 viz. Panchu Gopal Das.

Petitioner had initially assailed order dated 16.02.2022 granting interim bail to opposite party no.2. Subsequently, order dated 07.04.2022 confirming his interim bail has also been challenged.

Mr. Sabyasachi Banerjee, learned advocate appearing for the petitioner submits opposite party no.2 in conspiracy with other accuseds sold the stolen gold to various persons. Without considering the involvement of opposite party no.2 in the crime and possibility of further recovery, he was granted bail.

Mr. Ranjit Singh, learned advocate for the opposite party no. 2 submits his client had no role to play in the affairs of the petitioner company. Opposite party no.2 is a goldsmith and had in ordinary course of business dealt with the gold handed over to him by co-

accused. He was in custody for more than a month. He was taken into police custody and had cooperated with the investigation.

Learned advocate appearing for the State submits opposite party no.2 was a middleman for sale of stolen gold.

We have considered the materials on record. Opposite party no.2 was not an employee of the petitioner company. It is contended he assisted the co-accuseds to sell stolen gold. On the other hand, opposite party no.2 contends that he is a goldsmith and had dealt with the gold in ordinary course of business. He had no reason to suspect that he was dealing in stolen gold. Opposite party no.2-accused was subjected to custodial interrogation. He cooperated with the investigation. After considering his extent of complicity in the crime and the materials on record, the court below was inclined to grant bail to him.

We do not find any illegality or irregularity in the order granting bail. We are also of the considered view further detention of opposite party no.2 for progress of investigation is not necessary.

Hence, we do not wish to interfere with the order granting bail to opposite party no.2.

CRM (DB) 940 of 2022 is accordingly, dismissed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)