

03-11-2022
Subha
Item no.07
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRM 2707 of 2021

Kalyani Sinha Roy
-versus-
The State of West Bengal & Anr.

Mr. Karan Dudhwewala	for the petitioner.
Ms. Malabika Roy Dey	for the O. P. No.2.
Mr. Rudradipta Nandy	for the State.

Affidavit of service so filed be kept with the record.

Mr. Dudhwewalla, learned advocate appearing for the petitioner submits that the order for bail was obtained on the basis of certain false submissions which included amongst others that the petitioner had complied with the notice issued under Section 41A of the Code of Criminal Procedure, although in the chargesheet it has been mentioned that the petitioner never met with the Investigating Officer of the case.

Additionally, learned advocate drew the attention of this court to the letter of complaint and submitted that there was a false affidavit made by the petitioner which amounted to forgery.

Mr. Rudradipta Nandy, learned advocate for the State appears for the State.

Ms. Malabika Roy Dey, learned advocate appears on behalf of the private opposite party/accused.

I find that the learned Magistrate in the order granting bail

dated 05.03.2021 categorically observed that on perusal it appeared to him that notice under Section 41A Cr.P.C has been complied with and the investigating officer did not detain the accused. The said order was passed on 05.03.2021. Subsequently, chargesheet has already been submitted. The nature of the complaint reflects that the genesis of the case is based on sibling rivalry in relation to property. There are no subsequent allegations that the bail so granted has been misused.

As such, having regard to the nature of the offence complained of and the fact that subsequently chargesheet has already been submitted, I am of the opinion that the bail so granted on 05.03,2021 by the learned Chief Judicial Magistrate, Purba Bardhaman in connection with Burdwan P. S. Case No. 110 of 2021 dated 18.02.2021 do not call for any interference.

Accordingly, the revisional application being CRM 2707 of 2021 is disposed of.

Pending applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]

