

06.07.2022  
Serial no.29  
Aloke

**CRM (DB) 1108 of 2022**

In re : An application for cancellation of anticipatory bail under Section 439(2) of the Code of Criminal Procedure, 1973.

**In the matter of : Pramod Soni & Ors.**

... .. Petitioners

Mr. Fazlur Rahaman Advocate  
Mr. Prateek Tiwari, Advocate  
Mr. Subhendu Singh Roy, Advocate

... ..For the petitioners

Mr. Rudradipta Nandy, Advocate  
Ms. Sreeparna Das, Advocate

... .. For the State

Mr. Soumajit Das Mahapatra, Advocate  
Mr. Soumya Basu Roy Chowdhuri, Advocate

... For the opposite party nos. 2 & 3

Petitioners pray for cancellation of anticipatory bail granted by the order dated April 12, 2022 passed by the learned Chief Judge, City Sessions Court, Calcutta in Criminal Misc. Case No. 122 of 2022.

Learned Advocate for the petitioner submits that the learned Judge took into consideration the compliance of Section 41A of the Code of Criminal Procedure by the private opposite parties while in fact there was none. He submits that the private opposite parties are yet to return the gold bar taken from the petitioner.

State and the private opposite parties are represented.

Affidavits filed in Court be taken on record.

The learned Judge took into consideration the two factors for the purpose of granting anticipatory bail. One of such factor was that there was no material to substantiate that the private opposite parties took the gold bar as claimed by the petitioner. Moreover, there was a long standing relationship between the petitioner and the private opposite parties. The second factor which the learned Judge took into consideration is that the

private opposite parties complied with the notice under Section 41 A of the Code of Criminal Procedure.

The records do not depict that the private opposite parties complied with the notice under Section 41A of the Code of Criminal Procedure.

The view expressed by the learned Judge while granting anticipatory bail that there was no materials to establish the transactions spoken of by the petitioner is a plausible view on the basis of the materials in the case diary then subsisting. We are afraid we are unable to substitute such view with our view on the basis of the same materials in the case diary.

In such circumstances, we do not find any material in the present application.

CRM (DB) 1108 of 2022 is rejected.

**(Debangsu Basak, J.)**

**(Bibhas Ranjan De, J.)**