

D/L22
August 4,
2022
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C.R.M.(SB) 79 of 2022

Sumita Guha Thakurta
Versus
The State of West Bengal and others

Md. Mokaram Hossain,
Mr. Saumen Gayen,
Mr. Sandipan Maity.
...for the petitioner.

Mr. Apalak Basu,
Mr. Sayak Chakraborty,
Mr. Wrickbrata Roy.
...for the opposite party nos.2 and 3.

Mr. Nguive Ahmed,
Ms. Amita Gaur.
...for the State.

The petitioner has approached this Court for cancellation of bail of the opposite party nos.2 and 3.

Mr. Mokaram Hossain, learned advocate appearing for the petitioner submits that there were issues of forgery which have not been investigated and which is palpably wrong in view of the allegations and documentary materials. Learned advocate further submits that bail was granted to the opposite parties only because the public prosecutor appearing and the police co-operated.

Mr. Apalak Basu, learned advocate, appears on behalf of the opposite party nos.2 and 3 and submits that the learned ACJM, Alipore perused the case diary, satisfied himself regarding the merits of the case and thereafter was pleased to grant bail by a reasoned order.

Ms. Amita Gaur, learned advocate appearing for the State produces the case diary and draws the attention of this Court to the relevant materials which were collected particularly with regard to the allegations made in paragraph 4 of the application for cancellation of bail relating to the cheques and encashing of the fixed deposit.

I find that the Investigating Agency has submitted charge-sheet on conclusion of investigation. There are grievances of the petitioner/de facto complainant, but the same do not justify interference in the order granting bail to the opposite party nos.2 and 3. Accordingly, the prayer for cancellation of bail is refused.

However, so far as the merits of the case is concerned which are grievances attached to the process of investigation, the same cannot be brushed aside. As such, the petitioner is granted liberty to take out an application under Section 173(8) of the Code of Criminal Procedure before the jurisdictional court and on receipt of the same, the learned Magistrate would consider the justification and dispose of it in accordance with law.

With the aforesaid observations, CRM (SB) 79 of 2022 is disposed of.

Pending application, if any, is consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

