

D/L21
August 3,
2022
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C.R.M. (SB) 172 of 2022

In Re: An application under Section 439(2) of the Code of Criminal
Procedure, 1973;

Anita Deb Jana
Versus
The State of West Bengal & Ors.

Mr. Abhra Mukherjee,
Mr. Sauradeep Dutt,
Ms. Moumita Mondal.
...for the petitioner.

Ms. Zareen N. Khan,
Ms. Debjani Dasgupta.
...for the State.

Mr. Ayan Bhattacharjee,
Mr. Nirmalya Chatterjee.
...for the opposite party nos.2 to 6.

Mr. Abhra Mukherjee, learned advocate appearing for the petitioner challenges the order of bail passed by the learned Additional Chief Judicial Magistrate, Alipore on 29th March, 2022 and 31st March, 2022. According to the learned advocate, the observations of the learned Magistrate while granting bail to the accused opposite parties on surrender is against the records and has jeopardised further progress of investigation. It has also been submitted that it is very surprising that immediately after surrender the case diary was produced before the court and the learned Magistrate ignored the prayer for police custody and released the accused opposite parties on interim bail.

Mr. Ayan Bhattacharjee, learned advocate appearing for the private opposite party nos.2 to 6 supports the order passed by

the learned ACJM, Alipore and submits that there was no requirement for detention of the accused opposite parties having regard to the nature of the allegations made in the complaint.

Learned advocate for the State has produced the case diary and drawn the attention of this Court to the injury report as well as the statement under Section 164 of the Code of Criminal Procedure of the victim. It has also been submitted that, during the pendency of the present application, charge-sheet has already been submitted.

I have considered the injury report which reflects the names of three ladies and the statement under Section 164 of the Code of Criminal Procedure which has elaborated regarding the alleged incident.

Having regard to the fact that there is no complaint from the State regarding any of the conditions being violated by the accused opposite parties and the case diary do not contain any materials to reflect that there are previous cases pending against the accused opposite parties, I am reluctant to interfere in respect of the order of bail so passed by the learned ACJM, Alipore. However, having regard to the role of Sudhakar Dutta and Milan Roy, two of the accused persons named in the charge-sheet, I direct that they should be physically appearing before the court on each date so fixed and no application in the nature of Section 205 of the Code of Criminal Procedure or Section 317 of the Code of Criminal Procedure will be entertained on their behalf by the learned Magistrate in *seisin* of the matter for a period of one year from date.

With the aforesaid observations, CRM (SB) 172 of 2022 is disposed of.

Pending connected 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.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)