

D/L14
August 24,
2022
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C.R.M. (SB) 130 of 2022

In Re: An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure read with Section 482 of the Code of Criminal Procedure;

Mrs. Mamani Nayek
Versus
Debabrata Nayek and another

Mr. Suman De.
...for the petitioner.

Mr. Arijit Ganguly,
Mr. Sanjib Kr. Dan.
...for the State.

Mr. Amitabha Karmakar.
...for the opposite party no.1.

Affidavit-of-service so filed be kept with the record.

Mr. Suman De, learned advocate appearing for the petitioner submits that the learned Magistrate without taking into account the gravity involved in the offence erroneously allowed the prayer for bail of the accused/opposite party no.1. Learned advocate further submits that the materials which were appearing do reflect complicity of the accused/opposite party no.1 in the alleged offence and there was every possibility of unearthing further materials if the accused/opposite party no.1 was in custody for a period till the submission of the charge-sheet.

Mr. Amitabha Karmakar, learned advocate, appears on behalf of the accused/opposite party no.1.

Mr. Arijit Ganguly, learned advocate, appears on behalf

of the State and produces the case diary. Learned advocate draws the attention of this Court to the fact that the accused was in custody for a period of about 30 days.

I have perused the materials available in the case diary and I find that the case is completely based on documents and the process of collection of documents are continuing by the Investigating Officer. The learned Magistrate, on an appreciation of the same, after the period of about 30 days released the accused on bail.

Having regard to the period of detention and the nature of the case, I am of the opinion that the order passed by the learned Magistrate do not call for any interference. However, as pointed out by the learned advocate for the State, the investigation of the case being still in progress, the accused/opposite party no.1 is directed not to leave the jurisdiction of Chandipur Police Station without prior permission of the Officer-in-Charge of the concerned Police Station.

With the aforesaid observations, CRM (SB) 130 of 2022 is 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.)