

25.01.2022

Serial no. 19

Srimanta
Ct. No. 42

(Through Video Conference)
CRM 6504 of 2021

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

And-

In the matter of : **Aparna Maiti (Das)**

... Petitioner.

Mr. Shibaji Kumar Das, Adv.

...for the Petitioner.

Mr. Saswata Gopal Mukherjee, Ld. P.P.,
Mr. Sandip Chakraborty, Adv.

...for the State.

Mr. Amlanjyoti Sengupta, Adv.

...for the respondent nos. 2 to 11.

In connection with Khejuri Police Station Case No. 320/2020 corresponding to G.R. Case No. 1872/2020 under Sections 341/427/354/506/34 of the Indian Penal Code and Section 3(i)(ii)(x)(xii) of the SC/ST Act the accused persons voluntarily surrendered before the learned Additional Chief Judicial Magistrate, Contai on 19th January, 2021. The learned Additional Chief Judicial Magistrate, Contai granted bail to the accused persons on the ground that they have complied with the condition of notice under Section 41(A) of the Code of Criminal Procedure.

It is urged by the learned advocate for the petitioner that the learned Trial Judge did not go through the case diary before granting bail to the accused persons. He also did not follow the guidelines made by the Hon'ble Supreme Court in the case of **Satender Kumar Antil -Vs.- Central Bureau of Investigation & Anr.** reported in **2021 SCC online SC page 922.**

The learned advocate for the opposite parties, on the other hand, submits that the bail was granted to the accused

persons on 19th January, 2021. The *de facto* complainant has filed the instant application on 23rd September, 2021, i.e. after the expiry of nine months. He also submits under instruction that the trial of the case has already been started and examination of witnesses is going on. At this stage, the instant application cannot be considered by this Court.

Mr. Das frankly submits that he has no instruction to the effect that the witness action has already been started in connection this case.

In view of such circumstances, I am not inclined to alter or modify the order of bail granted in favour of the accused persons by the learned Additional Chief Judicial Magistrate, Contai.

However, the learned Magistrate is advised to take into consideration the ratio laid down in ***Satender Kumar Antil*** (supra) in future while adjudicating the similar type of applications for bail filed on behalf of the accused persons.

The application is, thus, **disposed of**.

(Bibek Chaudhuri, J.)