

C.R.M. 6519 of 2021

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

And

In the matter of: - Gobinda Mandal

...petitioner.

Mr. Ayan Bhattacharya
Mr. Pawan Kumar Gupta
Ms. Sofia Nesar
Mr. Santanu Sett

... for the petitioner.

Ms. Sujata Das

... for the State.

Mr. Sujoy Sarkar

... for the opposite party.

Affidavit-in-opposition filed in Court be taken on record.

Learned Advocate appearing for the petitioner submits that the jurisdictional Court while granting the bail considered the period of detention of the private opposite party solely. The gravity of the offence and the involvement of the private opposite party were not considered by the jurisdictional Court at all. He draws the attention of the Court to the photographs annexed to the petition. He submits that one person was brutally murdered and four persons suffered injuries.

State is represented.

Learned Advocate appearing for the private opposite party submits that the jurisdictional Court while granting order of bail considered the facts and circumstances of the case and also took into consideration the period of detention of the private opposite

party while granting bail to the private opposite party.

The period of detention of the private opposite party on the date of April 17, 2021 when the bail was granted by the jurisdictional Court was 67 days. The Court considering a bail petition is required to take into consideration the gravity of the offence, the involvement of the accused therein, the period of detention, if there be any, the criminal antecedent of the person seeking the bail and the likelihood of the person seeking bail fleeing the trial, the possibility of the accused influencing the witnesses amongst other grounds. In the present case, the jurisdictional Court laid emphasis on the period of detention of the private opposite party only without taking into contemplation the other factors relevant for the purpose of consideration of the prayer for grant of bail. The gravity of the offence and the involvement of the private opposite party were not taken into consideration by the jurisdictional Court while granting the prayer for bail. In the facts of the present case, one person was murdered with four being injured. The involvement of the private opposite party in the offences appears from the statements recorded under Section 164 of the eye-witnesses.

In such circumstances, considering the gravity of the offence and the involvement of the private opposite party therein, we cancel the bail granted to the private opposite party by the order dated April 17, 2021. We direct the private opposite party to surrender before the jurisdictional Court within seven days from date. In default, the jurisdictional Court will take appropriate steps against the private opposite party.

Accordingly, the prayer for cancellation of bail is allowed.

C.R.M. 6519 of 2021 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)