

20-09-2022
Subha
Item no.28
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRM (SB) 176 of 2022

Subhamita Saha
-versus-
The State of West Bengal & Anr.

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

Mr. Apalak Basu
Mr. Sayak Chakraborty
Mr. Arka Chakraborty
Mr. Wrickbrata Roy

....for the petitioner.

Mr. Anwar Hossain
Ms. Manisha Sharma

....for the State.

Mr. Uday Shankar Chattopadhyaya
Mr. Suman Shankar Chattopadhyaya
Mr. Santanu Maji
Mr. S. Das
Ms. Trisha Rakshit

.....for the private opposite party.

The order dated 4th June, 2022 reflects that the interim bail of the present petitioner was granted without consulting with or calling for the case diary on the relevant date when the prayer was allowed.

Mr. Apalak Basu, learned advocate appearing for the petitioner submits that the first sentence of the order dated 04.06.2022 regarding the consideration of Sections 438/439 of the Code of Criminal Procedure by superior courts were misleading submissions before the learned Magistrate which weighed with the

court while granting the relief as prayed for by the petitioner.

I have considered the submission of Mr. Chattopadhyaya, learned advocate appearing for the private opposite party also as well as Mr. Anwar Hossain, learned advocate appearing for the State who has produced the case diary before this court.

The certified copy produced by the private opposite party reflects that the next date has been fixed on 30.05.2023 and the interim bail has been extended till that date. It is also a settled proposition of law that for more than a year, an interim bail cannot continue.

In view of the present status of the case which raises grievance of the complainant in respect of the interim bail granted and also anxiety of Mr. Chattopadhyaya, learned advocate for the private opposite party so far as the confirmation of bail yet to be granted, I am of the opinion that the date be preponed to 28th September, 2022 when the present petitioner, Subhamita Saha would appear through her lawyer, the State of West Bengal would be represented by the Public Prosecutor/Additional Public Prosecutor and Ujjal Roy, i.e., the present accused/private accused party no.2 before this court would be present through his lawyer before the learned A. C. J. M., Baruipur, South 24 Parganas. The case diary would also be produced through the APP/PP representing the State. The learned Magistrate will give audience to all the parties and decide whether to cancel the ad interim Bail or to confirm the ad interim Bail already granted.

With the aforesaid observations, CRM(SB) 176 of 2022 is disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

[Tirthankar Ghosh, J]