

02.03.2022

Serial no.82

Dd

CRM 7718 of 2021

In re : An Application for cancellation of Bail under Sections 439 1(b) & 439(2) of the Code of Criminal Procedure, 1973.

-And-

**In the matter of : Samarash Banerjee
Vs.
State of West Bengal & Anr.**

Mr. S. R. Das,
Mr. S. Rakshit,
Mr. K.P. Mukhopadhyay, Advocates
... ... For the Petitioner

Mr. Sayanti Santra, Advocate
... ...For the State

Mr. Arindam Jana,
Mr. Dyutiman Banerjee, Advocate
... ...For the Opposite party no. 2

Petitioner seeks cancellation of bail granted in favour of the private opposite party by the order dated May 25, 2021.

Learned advocate appearing for the petitioner submits that the private opposite party violated one of the conditions for grant of bail that the private opposite party will appear on each of the dates fixed henceforth. The private opposite party did not appear on September 7, 2021 before the jurisdictional Court.

Learned advocate appearing for the private opposite party submits that September 7, 2021 was not the date

fixed. In any event, the private opposite party attended each and every date before the jurisdictional Court.

There is no material on record to establish that September 7, 2021 was the date fixed when the private opposite party did not appear.

In the absence of such materials in the petition, we are unable to return a finding that the private opposite party is guilty of violating any condition for grant of bail.

In such circumstances, CRM 7718 of 2021 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)