

09.11.2022

Item No.5

Ct.No.34

dc.

C.R.M. (SB) 193 of 2022

In Re : An Application for cancellation of bail under Section 439(2) read with Section 482 of the Code of Criminal Procedure, 1973.

And

In Re : **Manappuram Finance Limited**

... Petitioner.

Mr. Satadru Lahiri,
Mr. Soumyajyoti Nandy,
Mr. Deepankar Thakur

... For the Petitioner.

Mr. Madhusudan Sur,
Mr. Dipankar Paramanick

... For the State.

Mr. Rohit Kumar Shaw

... For the Opposite Party No.2.

Learned advocate appearing for the petitioner prays for cancellation of bail of accused/opposite party no.2, Partha Majumder, which was granted by learned Additional Sessions Judge, Baruipur, South 24-Parganas.

Mr. Sur, learned advocate appearing for the State submits a report of the Investigating Officer of the case. Let the said report dated 07.11.2022 be kept on record.

The said report reflects that the condition so imposed is being complied with by the opposite party no.2. It is admitted by the learned advocates appearing for each of the parties that the petitioner was in custody for a period of 45 days and he has been granted bail by the learned Additional Sessions Judge, Baruipur, South 24-Parganas. The subject-matter which caused grievance of the present applicant was also brought to the notice of the learned Additional Sessions Judge wherein it was pointed out that the accused was not a

teacher, but the documents, which have been submitted with the Company, were as if he was a teacher and loan was obtained with the aid of such fake documents.

Learned advocate for the petitioner submits that the investigating agency has ignored the forged and fake documents which were submitted for obtaining loan and has been stretching the time for submission of its report.

In view of the contentions of the petitioner, I am of the opinion that the present case at this stage does not call for cancellation of bail of the accused/opposite party no.2. The grievance is exclusively regarding the mode and manner of the investigation in respect of vital documents which are in possession of the investigating agency, but the investigating agency is reluctant to conduct any investigation.

Having regard to the grievance and contentions raised by the petitioner, I grant liberty to the petitioner to canvass the aforesaid issue before the learned Additional Chief Judicial Magistrate, Baruipur, South 24-Parganas. Learned Additional Chief Judicial Magistrate, Baruipur will call for a progress report from the Investigating Officer of the case within a period of fortnight from the date of preferring such application. The learned Magistrate will consider such grievance and pass a speaking order on the aforesaid issue.

For the time being the condition so imposed for meeting the Investigating Officer of the case would continue till the submission of the charge.

With the aforesaid observations, the revisional application being CRM (SB) 193 of 2022 is disposed of.

All pending connected applications, if any, are consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)