

C.R.M. 8929 of 2021

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

And

In the matter of: - State of West Bengal

...petitioner.

Mr. Ranabir Ray Chowdhury
Mr. Mainak Gupta

... for the petitioner.

Mr. Jayanta Narayan Chatterjee
Mr. Nazir Ahmed
Ms. Jayashree Patra
Ms. Ritushree Banerjee
Mr. S. Koley

... for the opposite party.

State applies for cancellation of bail granted to the private opposite party by the order dated September 24, 2021.

Learned Advocate appearing for the State submits that there are serious allegations against the private opposite party. He is involved in a racket of manufacturing and selling fake degrees relating to B.Ed.. He is also a part of the racket inviting the members of public to do so. The private opposite party initially approached the Orissa High Court with a prayer for anticipatory bail which was rejected on April 16, 2019. Thereafter, he approached the Learned Magistrate at Orissa for grant of bail which was rejected. Thereafter, he approached the Additional District and Sessions Judge, Kujang for grant of bail. The Additional District and Sessions Judge, Kujang granted transit bail to the private opposite party. The private opposite party appeared

before the jurisdictional Magistrate on September 24, 2021. The jurisdictional Magistrate granted him bail after considering the materials in the case diary, the gravity of the offence and the involvement of the petitioner therein. Consequently, he submits that the order granting bail should be cancelled.

Learned Advocate appearing for the private opposite party submits that the private opposite party did not violate any conditions of the order granting bail. The private opposite party is ready and willing to cooperate with the investigation on such terms and conditions, as the Court may direct. The private opposite party obtained an order for transit bail from the learned Additional District and Sessions Judge, Kujang and thereafter applied for bail which was granted to the private opposite party by the jurisdictional Magistrate. The private opposite party cannot be faulted.

There are serious allegations against the private opposite party. The allegations involve unsuspecting members of the public. It is alleged as against the private opposite party that he is a part of the racket of manufacturing and faking B.Ed. degrees and selling them to the public. The petitioner initially approached the High Court of Orissa for anticipatory bail which was rejected by the order dated April 16, 2019. Thereafter, he approached the Magistrate in Orissa for bail which was rejected. The Additional District and Sessions Judge, Kujang, however, granted transit bail to the private opposite party. The same was granted on August 24, 2021. The opposite party surrendered before the jurisdictional Magistrate on September 24, 2021 and was granted bail by the

jurisdictional Magistrate. In the order granting bail, the jurisdictional Magistrate does not allude to the contents in the case diary, the gravity of the offence and the involvement of the private opposite party therein. Relevant factors for grant of bail were not considered by the learned Magistrate while granting bail to the private opposite party. Consequently, considering the gravity of the offence and the involvement of the petitioner therein and considering the fact that the learned Magistrate glossed over the relevant factors while considering the prayer for bail, we are constrained to cancel the bail granted in favour of the private opposite party.

The bail granted in favour of the private opposite party on September 24, 2021 stands cancelled. The private opposite party will surrender before the jurisdictional Court within seven days from date. In default, the jurisdictional Court is at liberty to take appropriate steps.

Accordingly, the prayer for cancellation of bail is allowed.

C.R.M. 8929 of 2021 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)