

16.12.2022
S/L No.22
KS

C.R.M.(SB) 244 of 2022
Lalalit Kumar Haldar
-Vs.-
The State of West Bengal & Anr.

Mr. Avik Ghatak
..... For the Petitioner
Mr. Saswata Gopal Mukherjee, Ld. P.P.
Mr. Sandip Chakraborty
.....For the State
Mr. R. Adhikary
Ms. Bandana Maity
.....For the O.P. No.2

Mr. Ghatak, learned advocate appearing for the petitioner challenges the grant of bail passed by the Learned A.C.J.M., Alipore, South 24 Parganas.

Mr. Chakraborty, learned advocate appears on behalf of the State.

Learned advocate for the private opposite party no.2 is also present.

I have perused the order dated 27.09.2022. The Learned Magistrate while passing the order perused the Case Diary and other available materials on record in spite of the fact that the opposite party no.2 surrendered and appeared on the same day before the Court. Learned Magistrate thereafter considered the statement of the witnesses which were available and applied his mind to the extent that the dispute by and between the parties arose out of a matrimonial dispute and there are also case and counter-case between the parties. Learned Magistrate thereafter

took into account the age of the opposite party no.2 and after overall assessment of the circumstances was pleased to allow the prayer for bail.

Mr. Ghatak, learned advocate appearing for the petitioner added that being emboldened by the order of bail, the present complainant/petitioner has been falsely implicated in a case under the provisions of the POCSO Act which was engineered by the wife of the petitioner victimizing the child/daughter to bring allegations against him. Be that as it may, the same is a separate case and has to be dealt with its own merits. Further learned advocate also submits that there has been no recovery of the stolen properties which were alleged by the accused persons named in the F.I.R., yet the Learned Magistrate proceeded to release the opposite party no.2. So far as the order of bail which has been granted, I find adherence to the principles of Section 437 of the Code of Criminal Procedure, there is no allegation regarding post bail conduct of the private opposite party no.2.

Having regard to the same, I am of the opinion that there is no scope for interference in the order dated 27.09.2022 granting bail to the opposite party no.2.

With the aforesaid observations, C.R.M.(SB) 244 of 2022 is disposed of.

Pending applications, if any, are consequently disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)

