

24-03-2023
Subha
Item no. 09
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction
Appellate Side

CRM (SB) 21 of 2023

In the matter of : An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure.

Dr. Debranjana Mondal
-Versus-
The State of West Bengal & Ors.

Mr. Sanjoy Banerjee
Mr. Joydeep Bhattacharyya
...for the petitioner.

Mr. Angshuman Chakraborty
.....for the opposite party no. 3.

Mr. Susnigdo Bhattacharyya
...for the opposite party no.2.

Mr. Tanmoy Kumar Ghosh
Mrs. Sonali Das
....for the State.

The present application for cancellation for bail has been preferred for cancellation of bail of the two accused persons namely, Prasanna Mondal and Joydeb Naskar who were arraigned in connection with Madhyamgram P. S. Case No. 505 of 2022 dated 15.10.2022 under Sections 420/406 of the Indian Penal Code.

Mr. Sanjoy Banerjee, learned advocate appearing on behalf of the petitioner insists that the petitioner/applicant paid a sum of Rs.22 lakh for the admission of his daughter in State quota of a medical college in West Bengal. According to the learned advocate, the present accused persons in collusion and conspiracy with others duped the petitioner and the petitioner having parted with huge sum of money being a Central Government employee was taken aback when he understood that he has been deceived by the accused persons.

Pursuant to the same, a petition of complaint under Section 156(3) of the Code of Criminal Procedure was filed. There were directions, case was registered, one of the accused persons was arrested and before the learned Additional Chief Judicial Magistrate, Barasat it was committed and an atmosphere was created whereby the accused persons committed to return back the money but after obtaining the bail only Rs.5 lakh were transmitted and the rest of the money which the petitioner claims were not handed over.

Learned advocate submits that by giving a wrong impression before the court also, the accused persons obtained the bail and the present petitioner is hand in gloves with such accused persons. .

Mr. Ghosh, learned advocate appears on behalf of the State and produces the case diary. Report submitted by Investigating Officer of the case through Mr. Ghosh learned advocate for the State be kept with the record. Report reflects that the investigation of the case is in progress and the police authorities are trying their best to unearth the truth.

Mr. Angshuman Chakraborty, learned advocate appears on behalf of the opposite party no.3.

Mr. Susingdho Bhattacharyya, learned advocate appears on behalf of the opposite party no.2.

Both the learned advocates resists the submissions of Mr. Banerjee, learned advocate for the petitioner and reiterates their contentions that they are innocent and have been falsely implicated in this case and they were granted bail as whatever money was transmitted by the complainant was reverted back to him.

I have considered the submissions advanced on behalf of the respective parties and on perusal of the case diary, I find that the police authorities have collected the bank statement of the accused persons also. The Investigating Authorities are exhausting their powers for unearthing the truth, but they are unable to establish a

relationship regarding the rest of the amount of Rs.17 lakh.

In view of the investigation still proceeding, I do not enter into the arena regarding the attempts being made by the police authorities both for establishing the complicity of the accused persons as well as the illegal transactions which takes place.

However, having regard to the present stage of the case and the fact that there is no complaint from the Investigating Agency that the accused persons are not co-operating with the investigation, I am not inclined to interfere with the order of bail so granted by the learned Additional Chief Judicial Magistrate, Barasat.

However, the Investigating Authority would continue with their efforts for unearthing the truth and submit their report under Section 173 of the Code of Criminal Procedure after arriving at their opinion on the basis of the materials so collected within a reasonable period of time.

With the aforesaid observations, the application for cancellation of bail under Section 439(2) of the Cr.P.C being CRM (SB) 21 of 2023 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.

[Tirthankar Ghosh, J]

