

**17.03.2023**

Item No.25

Ct.No.34

dc.

**C.R.M. (SB) 27 of 2023**

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

And

In Re : **Subrata Gupta**

... Petitioner.

Mr. Kamallesh Chandra Saha,

Ms. Payel Mitra

... For the Petitioner.

Ms. Sreyashee Biswas

... For the State.

Affidavit-of-service filed in Court today be kept with the record.

Report dated 02.03.2023 submitted by Ms. Biswas, learned advocate appearing for the State be also kept with the record.

The report reflects that the investigating officer is interested regarding custodial detention/interrogation of accused Sourav Sengupta.

The order dated 16.01.2023 passed by learned Additional Chief Judicial Magistrate, Barrackpore which is the subject-matter of challenge before this Court reflects that the learned Magistrate granted bail in spite of the learned APP raising objection and without perusal of the case diary.

In spite of service, none appears on behalf of the accused Sourav Sengupta. Accordingly, I modify the ad interim order of bail so granted on 16.01.2023 which has been fixed on 12.05.2023 to 12.04.2023. The learned Additional Chief Judicial Magistrate, Barrackpore would

ensure the appearance of the accused on 12.04.2023. The report so submitted before this Court should also be placed before the learned Additional Chief Judicial Magistrate, Barrackpore on the said date.

The learned Additional Chief Judicial Magistrate, Barrackpore will peruse the case diary and give an opportunity to the *de facto* complainant to submit the written objection through the learned APP appearing on behalf of the State. The learned APP will keep his submission in respect of the prayer for custody so advanced by the Investigating Officer of the case.

With the aforesaid observations, CRM (SB) 27 of 2023, is, thus, disposed of.

Learned advocate appearing for the State is directed to communicate this order to the Investigating Officer of the case.

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.)**