

04.05.2023.
34.
Ct.No.28.
as

C.R.M. (DB) 1391 of 2023

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

In the matter of : The State of West Bengal.
... Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Dipankar Paramanick.
....for the Petitioner.

Mr. Gouranga Kr. Das.
...for the Opp. Party.

Affidavit of service filed in Court today be kept on record.

Order dated 07.06.2022 granting bail to opposite party has been assailed.

Mr. Madhusudan Sur, learned Additional Public Prosecutor submits petitioner was a member of gang dacoits who committed dacoity at the house of the de-facto complainant. Barely a month after arrest, without considering the gravity of offence, bail was granted.

Learned Advocate for the opposite party/accused submits there is no legally admissible evidence to implicate him in the crime. He has not misused his liberty in any manner.

We have considered the materials on record. Dacoity is a serious crime, but quality and strength of evidence collected during investigation is equally important to justify continued detention. Opposite party was arrested and taken into police custody. Recovery relates to a torn saree and a cash of

Rs.5,000/-. It is alleged that the seized piece of saree relates to the ligature used to tie the victim. However, there is no material to corroborate such accusation. Cash amount recovered is ordinarily available in any household. Opposite party/accused has not been identified in course of T. I. Parade. He does not stand on the same footing with co-accused viz., Abdul Hai Laskar whose bail has been cancelled in CRM 1392 of 2023 in light of evidence collected against him i.e. identification in T. I. Parade and recovery of stolen article bearing the name of the de-facto complainant endorsed thereon.

Hence, we are not inclined to cancel the bail of the opposite party/accused.

Accordingly, the application is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)