

04.05.2023.
36.
Ct.No.28.
as

C.R.M. (DB) 1800 of 2023

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

In the matter of : Premier Merchants Pvt. Ltd.
... Petitioner.

Mr. Ankit Agarwala,
Ms. Alotriya Mukherjee.
....for the Petitioner.

Order dated 10th April, 2023 granting bail to accused Jitu Ojha has been assailed.

Learned Advocate for the petitioner submits bail prayer of the said accused had been turned down by the learned Sessions Judge on 20th March, 2023. On 10th April, 2023, learned Magistrate enlarged him on bail. He prays for cancellation of bail.

We have considered the materials on record. Allegations involve fabrication of money receipts and misappropriation of money relating to sale of vehicles. Offences are triable by Magistrate and revolve around documents. Documents have already been seized. Though bail prayer was rejected by a superior Court on 20th March, 2023, learned Magistrate noted the period of detention i.e. 54 days and the lack of necessity of further detention for purpose of investigation. Hence, the accused was enlarged on bail. One cannot say the exercise of discretion was perverse and merits interference.

Hence, we do not wish to interfere with the order granting bail.

We observe in the event the accused misuses his liberty, it shall be open to the petitioner to renew his prayer for cancellation of bail in accordance with law.

Accordingly, the application is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)