

31.03.2023.
74.
Ct.No.28
as

C.R.M. (DB) 2915 of 2022
With
CRAN 1 of 2022.

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

In the matter of : Suvendu Bikash Mondal
... Petitioner.

Mr. Satadru Lahiri.
.....for the Petitioner.

Mr. Arijit Ganguly,
Mr. Sanjib Kr. Dan.
...for the State.

Md. Bani Israil.
...for the Opp.No.2.

Order dated 31.03.2021 passed by the learned Additional Chief Judicial Magistrate, Barrackpore, North 24-Paraganas granting bail to opposite party No.2 has been assailed.

It is contended entire stolen property has not been recovered. Co-accused are absconding.

Learned Advocate for the State produces the Case Diary.

Learned Advocate for opposite party no.2 submits his client was arrested and subjected to custodial interrogation. 66 grams of gold alleged to be stolen has already been recovered.

We have considered the materials on record. FIR was registered on the accusation of robbery of gold and other

valuables. Opposite party no.2 was arrested and subjected to custodial interrogation. Thereupon a portion of the stolen property has been recovered. Further detention of opposite party no.2 for progress of investigation, is not necessary. Custody of opposite party no.2 for apprehension of absconding accused is also not relevant as they are not related to one another. Opposite party no.2 does not have criminal antecedents. There is no possibility of his abscondence.

Under such circumstances, we do not consider it prudent to cancel his bail at this stage. In the event, opposite party no.2 threatens or intimidates witnesses or does not co-operate with the court below in the progress of the matter, it shall be open to the petitioner to renew his prayer for cancellation of bail in accordance with law, if so advised.

Hence, the application is disposed of.

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It is contended investigation is not being conducted in a proper manner.

Grievance with regard to deficiencies in investigation are not germane vis-a-vis grant of bail to opposite party No.2. This issue may be addressed independently and in accordance with law by instituting appropriate proceeding, if so advised.

With this observation, application being CRAN 1 of 2022 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

