

30.08.2023
Serial no. 66
[G.S.D]

CRM (SB) 116 of 2023

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

In Re : Bikash Roy

Mr. Manas Kumar Das	 Petitioner
	... For the Petitioner
Mr. Anwar Hossain Ms. Manisha Sharma	... for the State
Mr. Niladri Sekhar Ghosh Ms. Sompurna Chatterjee Mr. Sourav Mondal	... For the Private O.P.

Memo of Evidence submitted by the Learned Advocate for the State be kept with the record.

Affidavit-of-service so filed be also kept with the record.

Learned Advocate for the petitioner is aggrieved that the accused/o.p. nos. 2 to 7, were granted bail immediately when they surrendered and the same was made without consultation of the Case Diary on the ground of parity.

Mr. Ghosh, Learned Advocate for the Private O.P. submits that two persons, who were taken into custody, were in the custody for about nine days. Against the said accused persons offences under Section 325 and 354B surfaced.

However, so far as the rest of the accused are concerned, the allegations against them are in the nature of bailable offence.

Mr. Hossain, Learned Advocate for the State, is present along with the Case Diary.

Having considered that the bail was granted on 31st of May, 2023, almost three months have passed since then, and the fact that there are no supervening circumstances since the accused persons were released on bail and, it has been submitted by Mr. Hossain that, at present, he has no instruction from the Investigating Agency that the custody of the present petitioner is called for, I direct that until and unless further supervening circumstances appear, there is no requirement for interference with the order dated 31.5.2023 passed by the Learned ACJM, Arambagh, Hooghly.

In case, there are subsequent events which surface relating to tampering of evidence and/or intimidating the witness is concerned, then, if the petitioner approaches the Learned ACJM, Arambagh, Hooghly, the Learned ACJM, Arambagh, Hooghly, would, then, without further reference to this Court, be entitled to cancel the bail exercising his/her discretion.

With the above observations, CRM(SB) 116 of 2023 is disposed of.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order, duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)