

15-09-2023
Subha
Item no. 41
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction
Appellate Side

CRM (SB) 159 of 2023

Mala Mondal Khan and Anr.
-Versus-
Avijit Ata and Ors.

Mr. Pawan Kumar Gupta
Mr. Sharadindu Patra
Ms. Sofia Nesar
Mr. Santanu Sett

....for the petitioners.

Mr. Subhadeep Ghosh
Ms. Papia Bhowmick

...for the opposite party no.1.

Mr. Md. Anwar Hossain
Mrs. Manisha Sharma

...for the State.

Affidavit of service so filed be kept with the record.

Mr. Gupta, learned advocate appearing for the petitioners submits that the accused person was taken into custody on 5th January, 2022 and he was granted bail on 31st January, 2022.

Learned advocate for the de facto complainant/petitioner submits that the present petitioner has been duped of more than 38 lakhs by mis-representing that a feature film in the OTT platform would be made and the same would be circulated. From time to time, the accused took money and after he was released on bail, he started initiating frivolous cases against the present petitioner and his son.

Learned advocate submits that the accused person after enjoying the money of the present petitioners is creating circumstances of oblique motive not only to satisfy their grievance but also to frustrate the present criminal case which has been initiated against them. The chargesheet which has been submitted are for Magistrate triable offences. The accused persons have already suffered 25 days of custody.

Having considered the period of custody so suffered, I am of the opinion that at this stage it would not be fit and proper to interfere with the order of bail after one year eight months. However, the learned Magistrate who is in seisin of the matter is directed that the alleged loss which has been suffered and the motive which was adopted by the accused are to be proved in the court of law. Accordingly, let the charge be framed as early as possible on the next date so fixed or within a fortnight, the trial court will thereafter fix the trial for the case once in every forty-five days so that the trial can be taken to its logical conclusion within a reasonable period of time.

With the aforesaid observations, the application for cancellation for bail being CRM(SB) 159 of 2023 is disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]