

D/L30
14.08.2023
Bpg.

C.R.R.2930 of 2023

In Re: An application under Sections 397/401 read with Section 482 of the Code of Criminal Procedure, 1973;

Monika Parvin @ Swapna
Versus
The State of West Bengal and another

Mr. Uday Sankar Chattopadhyay
Ms. Trisha Rakshit
Ms. Rajashree Tah
Ms. Aishwarya Datta.
...for the petitioner.

Mr. Anwar Hossain
Ms. Manisha Sharma.
...for the State.

Petitioner is directed to serve a copy of the revisional application upon Mr. Anwar Hossain, learned advocate, who ordinarily appears on behalf of the State. His appointment may be regularised by the concerned authorities.

Learned advocate appearing for the petitioner is aggrieved by the fact that the learned Sessions Judge by his order dated 21.06.2023 concurred with the contentions advanced on behalf of the victim/petitioner regarding the merits of the case and after relying on the judgment of Hon'ble Supreme Court surprisingly refused to cancel the bail of the accused.

Learned advocate submits that the learned Magistrate

without perusal of any document granted interim bail and the learned Sessions Judge even after concurring with the views of the complainant refused to interfere with the order of bail granted by the learned Magistrate on 24th February, 2023.

I have considered the orders passed by the learned Magistrate as well as that of the learned Sessions Judge. Learned Sessions Judge while refusing to interfere with the order of bail relied upon the judgment of the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI & Anr.** reported in **(2022) 10 SCC 51** wherein guidelines have been set out.

It has been submitted that the interim bail has been extended by the learned Magistrate on 22nd June, 2023.

Having regard to such submission being made, I direct the learned trial court to consider the injury report which has been collected by the Investigating Agency and relied upon in the charge-sheet, the materials which were collected by the Investigating Agency in course of the investigation, the antecedents of the present accused and the supervening circumstances so appearing after the accused was granted bail. Learned Magistrate in seisin of the matter will freshly consider the issues relating to bail of the accused on the next date so fixed taking into account the parameters set out above.

With the aforesaid observations, CRR 2930 of 2023 is disposed of.

Pending application, if any, is consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)