

16.01.2023.
Court No.13
Item No. 8
ap

W.P.A. No. 21994 of 2022

**Manoj Kumar Bhalotia
Versus
The State of West Bengal & Ors.**

Mr. Avik Ghatak,
Mr. Soham De Dhara.

... For the petitioner.

Supplementary affidavit and affidavit-of-service
filed in Court today are taken on record.

The petitioner complains that despite filing of
charge-sheet and supplementary charge-sheet, inter
alia, under Sections 498A/306 of the Indian Penal
Code against him, his passport has not been returned.

The petitioner was granted bail in C.R.M. No.
11154 of 2018, inter alia, not to leave the Municipal
limits of the city of Calcutta which has subsequently
been waived.

The opinion of the Investigating Agency, i.e.
Criminal Investigation Department, West Bengal is
that the Aadhaar Card and PAN Card have been
returned but the passport was not returned in view of
an apprehension that the petitioner may flee the
country and evade trial.

In the above circumstances, this Court cannot
pass any order in the matter. The petitioner may, if so,
advised, apply before the Chief Judicial Magistrate,
Paschim Bardhaman where the trial is pending for
return of his passport. The Chief Judicial Magistrate,

Paschim Bardhaman shall take a decision in the matter strictly in accordance with law and without being influenced in any way by the statements made in the writ petition or this order.

The Chief Judicial Magistrate, Paschim Bardhaman shall take into consideration the report of the Criminal Investigation Department, West Bengal before making any orders.

Since no affidavit has been called for from the respondents, the allegations made in the writ petition are deemed not to have been admitted by them.

The report of the Criminal Investigation Department, West Bengal dated 11th January, 2023 is kept with the record.

With the aforesaid observations, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)