

11.07.2023

Item Nos. 2&3

Ct.No.34

dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.M. (SB) 42 of 2023

with

C.R.R. 3939 of 2022

Sutrishna Basu

versus

The State of West Bengal & Ors.

Mr. Soubhik Mitter,
Ms. Rajnandini Das,
Ms. Afreen Begum,
Mr. Sayan Mukherjee ... For the Petitioner.

Mr. S. G. Mukherjee, Ld. P.P.,
Mr. Imran Ali,
Ms. Debjani Sahu ... For the State.

Mr. Sujit Saha ... For the Opposite Party Nos. 2 and 3.

CRM (SB) 42 of 2023 which is an application for cancellation of bail and CRR 3939 of 2022 which is a revisional application preferred against the order dated 07.09.2022 passed by learned Additional Chief Judicial Magistrate, Barrackpore are taken up together and are disposed of by a single order.

Petitioner in both the application is aggrieved by the fact of interim bail being granted to the accused/opposite party nos. 2 and 3 herein and the absence of the accused persons in court subsequent such interim order of bail being passed and only bailable warrant being issued against the accused persons. The present is a case under Sections 195A and 506 of the Indian Penal Code. As such, the complainant may have anxiety regarding the conduct of the accused persons. The accused/opposite party nos. 2 and 3 were initially granted bail on 20.05.2022 and thereafter for their non-appearance, bailable warrant was issued. Subsequently

by an order dated 24.01.2023, the learned court granted bail to the accused persons.

None of the learned advocates appearing for the petitioner or the accused persons could confirm regarding the next date fixed for hearing. However, having regard to the conduct of the present accused/opposite party nos. 2 and 3, I direct the learned Additional Chief Judicial Magistrate, Barrackpore to consider the application for bail afresh on the next date so fixed for the purpose of this case and would impose condition which would instill confidence in the complainant so that in future, she should not be disturbed during the pendency of the main criminal case.

The learned Magistrate would independently decide the issue without being influenced by any observations made by this Court.

It is further stated that the aforesaid direction is not any indication for cancelling the bail.

The learned Magistrate would follow the judgement of the Hon'ble Supreme Court in **Satender Kumar Antil Vs. Central Bureau of Investigation & Anr.** reported in **(2022) 10 SCC 51** and consider the bail application as he had earlier done, but would also take into account the plight of the complainant who is a witness to the case and has certain issues regarding the conduct of the accused persons.

With the aforesaid observations, the application for cancellation of bail being CRM (SB) 42 of 2023 and the revisional application being CRR 3939 of 2022 are disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned 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 with all requisite formalities.

(Tirthankar Ghosh, J.)