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28.04.2023
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C.R.M.(SB) 289 of 2022
In Re: An application under Section 439(2) read with Section 482 of the
Code of Criminal Procedure, 1973;

Shib Shankar Rungta
Versus
The State of West Bengal and others

Mr. Anirban Dutta,
Mr. Md. Zohaib Rauf.
...for the petitioner.

Mr. Pawan Kumar Gupta.
...for the opposite party no.2.
Mr. Ayan Bhattacharjee,
Mr. S. Mondal,
Mr. Manish Shukla.
...for the opposite party no.3.

Mr. Ranabir Roy Chowdhury,
Mr. Sandip Chakraborty.
...for the State.

The application for cancellation of bail relates to an order passed by the learned Metropolitan Magistrate, 16th Court, Calcutta on 20th August, 2018 in connection with Burrabazar Police Station Case No.45 dated February 6, 2016 corresponding to G.R. Case No.245 of 2016.

Mr. Ranabir Roy Chowdhury and Mr. Sandip Chakraborty, learned advocates, appear for the State and submit that the charge has already been framed in connection with the instant case.

I have considered the nature of the allegations as well as the subsequent developments of the case.

Having considered the fact that the offence complained of are under Sections 406/420/506/120B of the Indian Penal Code

which are magisterial triable offence, I am not inclined to cancel the bail in spite of vehement objection raised by the learned advocate appearing for the petitioner that the accused/opposite parties obtained bail after rejection of the anticipatory bail on the same day they surrendered before the learned trial court. The conduct is not appreciable and the accused/opposite parties have enjoyed the leniency granted to them.

Taking into account the cumulative circumstances appearing in this case, although at this stage it would not fit and proper to cancel the bail of the accused/opposite parties, but the accused/opposite party no.2 must be present on each and every date when the learned trial court fixes date for the purpose of the present case. For the next two years, his application under Sections 205/317 of the Code of Criminal Procedure will not be considered until and unless exceptional circumstances are brought to the notice of the learned trial court.

With the aforesaid observations, CRM (SB) 289 of 2022 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.)

