

C.R.M. (DB) 4435 of 2022

In Re: - An application for bail under Section 439(2) of the Code of Criminal Procedure.

And

In the matter of: - State of West Bengal

....petitioner.

Mr. Ranabir Roy Chowdhury

Mr. Mainak Gupta

...for the petitioner.

Mr. Sourav Chatterjee

Mr. Joy Chakraborty

Mr. S Dinda

...for the OP.

1. Learned lawyer for the State submits there are ample materials implicating the opposite party-accused in the murder. Without considering gravity of the offence and the fact that opposite party-accused had absconded and did not co-operate with investigation, he was enlarged on interim bail.
2. Learned lawyer for the opposite party-accused submits impugned order is an interlocutory one and he has duly complied with the conditions of interim bail.
3. We have considered the materials on record. Opposite party-accused was enlarged on bail on the very next day of his production. Trial court did not consider the gravity of the offence or evidence collected in the course of investigation. It was also necessary for the court to take into consideration the fact that opposite party-accused had not co-operated with investigation. However, opposite party-accused had been enlarged on interim bail. It is also contended that he has not misused his liberty.
4. Under such circumstances we observe it is open to the State

to canvass gravity of the offence and materials collected against the opposite party-accused during investigation and other relevant aspects like abscondence at the time of confirmation of bail.

5. In the event the State files an application for cancellation of bail before the trial court, the said court shall consider the application along with prayer for confirmation positively within 30 days of institution of the prayer for cancellation without granting unnecessary adjournment to the parties.

6. With these observations, application for cancellation of bail is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

