

D/L7
24.03.2023
Bpg.

C.R.M.(SB) 292 of 2022

In Re: An application under Section 439(2) of the Code of Criminal Procedure;

Tapas Chakraborty
Versus
The State of West Bengal and another

Mr. Sanat Kumar Das,
Mr. Sujan Chatterjee,
Mr. Souparna Sinha.
...for the petitioner.

Mr. Karan Dudhwewala.
...for the opposite party no.2.

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee.
...for the State.

Report along with the photostat copies of the order dated 15.03.2023 submitted by Mr. Banerjee, learned advocate appearing for the State be kept with the record. In the report, the Investigating Officer has submitted that the custodial interrogation is not necessary, only interrogation of the accused/opposite party no.2, namely, Ashim Charkaborty is required in connection with the case.

The order dated 05.11.2022 reflects that the ad interim bail was granted by the learned ACJM, Barrackpore without consideration of the case diary and on the opposite party appearing and surrendering before the court and the learned Additional Public Prosecutor raising no objection.

It would have been prudent for the learned ACJM to grant ad interim bail for a shorter period of time not extending more

than 15 to 20 days, consider the case diary and thereafter confirm or reject the bail.

It has been informed that subsequently the bail order has been confirmed.

It is henceforth directed that the learned Magistrate in such cases should not grant ad interim bail for four or five months which would take shape of a permanent bail and that too without considering the papers of the police authorities who are investigating the case.

Be that as it may, in view of the report so submitted by the police authorities, the order granting bail is not interfered in this case, but as it has been prayed by the Investigating Officer that for the sake of investigation, interrogation of the opposite party no.2 may be required. The opposite party no.2 is directed to meet the Investigating Officer of the case once in a fortnight for a period of two months and thereafter appear as and when called for till submission of the charge-sheet.

With the aforesaid observations, CRM (SB) 292 of 2022 is disposed of.

All parties shall act on the server copy of this order duly to the parties upon compliance of all requisite formalities.

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

(Tirthankar Ghosh, J.)

