

01 30.05.2024
& Ct. No.08
02 (Allowed)
With
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C.R.M. (DB) 1722 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Sandeshkhali** P.S. Case No. **231 of 2024** dated **12/05/2024** under Sections **147/500/448/427/324/325/307/107/34** of the India Penal Code

And

In the matter of: Gita Bar & Ors.

....petitioners.

With

W.P.A. 14241 of 2024

Rekha Patra & Ors.

-vs-

The State of West Bengal & Ors.

With

MAT 1131 of 2024

CAN 1 of 2024

Gita Bar & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Rajdeep Mazumder,
Mr. Pritam Roy,
Ms. Sayanti Poddar,
Mr. Soewel Bhattcharya,
Ms. Sagnika Banerjee,
Ms. Sarmistha Basak

...for the petitioners.

Mr. Kishore Datta, Id AG
Mr. Dipanjan Datta,
Mr. Kanak Kiran Bandyopadhyay,
Mr. Debangshu Dinda,
Mr. Sayan Datta

....for the State in WPA 14241 of 2024
& MAT 1131 of 2024.

Mr. Rudradipta Nandy,
Ms. Sanjana Saha

...for the State in CRM (DB) 1722 of 2024.

Leave is granted to Gita Bar, Utpal Maity, Ajit Sardar,
Suprakash Mondal and Sudeb Dey to prefer this Appeal being
MAT 1131 of 2024.

MAT 1131 of 2024 and CRM (DB) 1722 of 2024 are taken up for analogous hearing.

A preliminary objection has been taken on behalf of the State in MAT 1131 of 2024 regarding maintainability of the appeal by the present petitioners viz Gita Bar, Suprakash Mondal, Utpal Maity and Sudeb Dey @ Manik.

In view of the objections raised by the learned Advocate General and the question of liberty so involved in respect of the petitioners who are in custody in connection with Sandeshkhali P.S. No.231/2024 pursuant to the learned Single Bench passing the following directions in WPA 14241 of 2024:

“The FIR lodged by the said Dilip Mallick being Sandeshkhali Police Station Case No.231 of 2024, being a second on the same allegations, ought to be treated as a statement of the victim in the case started suo motu by the police.

At this stage, let the proceeding in respect of the 3rd FIR being Sandeshkhali Police Station Case No.231 of 2024 shall remain stayed during pendency of this application.

However, the police shall investigate the two earlier cases expeditiously and in accordance with law.

List this matter for hearing on 12.06.2024.”

We are of the opinion, that the learned magistrate is lacking jurisdiction to detain the petitioners till 12th June, 2024 in connection with Sandeshkhali P.S. Case No.231 of 2024.

The learned ACJM, Basirhat as such would release the petitioners till 12th June, 2024 on personal bond to his satisfaction, subject to further directions being passed by the learned Single Judge in connection with WPA 14241 of 2024.

Consequently, the appeal is disposed of with the direction

to the writ petitioners to approach before the learned single Bench and their release in connection with Sandeshkhali P.S. No.231/2024 would be subject to the outcome of the decision of the writ petition.

With the aforesaid observations, MAT 1131 of 2024 and CAN 1 of 2024 stand disposed of.

Let WPA 14241 of 2024 be listed before the Regular Bench as directed in the order dated 21.05.2024.

Re : CRM (DB) 1722 of 2024

Bail application is disposed of in view of the observations/directions passed in MAT 1131 of 2024 and CAN 1 of 2024.

Parties shall act on server copy of the order duly downloaded from the official website of this Court.

Later :

Pursuant to the direction being passed, learned Advocate General prays for stay of the order.

The prayer for stay is considered and refused.

(Biswaroop Chowdhury, J.)

(Tirthankar Ghosh, J.)