

06.02.2024
tkm/ct 28
sl no. 72

C.R.M. (DB) 3360 of 2023

In Re : An application for cancellation of bail under section 439(2) of the
Code of Criminal Procedure
And

In Re : Dipti Ghosh Dastidar petitioner

Mr. Sourav Chatterjee
Ms. N Chatterjee

..... for the petitioner

Ms. Anasuya Sinha
Ms. Mayukhi Mitra

..... for the State

Mr. Somnath Banerjee
Mr. Prateep Bera
Mr. P Roy

..... for respondent no. 2

1. It is contended learned Magistrate while granting bail failed to consider the gravity of the offence. Bail order is founded on perverse findings. Learned Magistrate erroneously observed no recovery was made from opposite party-accused and his complicity has transpired subsequently, though he was named in the FIR.
2. Learned lawyer for the State produces the case diary.
3. Learned lawyer for opposite party no. 2 files affidavit in opposition. He submits opposite party no. 2 was detained for a fortnight and had co-operated with investigation. Cheque leaves in question have been recovered. He opposes the prayer for cancellation of bail.
4. We have considered the material on record. Learned counsel has assailed the impugned order on ground of perversity. Allegations in the FIR involve unauthorized transactions in

the account of the complainant on the strength of fake and fabricated cheques. Investigation in the case commenced and opposite party no. 2 had been arrested. Cheque leaves have been seized from his possession. Offences revolve around records. Incriminating documents have already been seized. Though the impugned order does not appear to be happily worded, in view of the nature of accusation and the fact that incriminating documents have already been seized, we are loath to interfere with the liberty of opposite party no. 2 and cancel his bail.

5. We observe that the findings in the impugned bail order shall not have any bearing at subsequent stages of the proceeding.
6. Opposite party no. 2 shall co-operate with the investigation in accordance with law.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)