

02
06.08.2024
AK

CRR 3644 of 2023

In the matter of: Shakti Shankar Bagchi

.... Petitioner in person

Mr. Shakti Shankar Bagchi

... petitioner in person

Mr. Shibasis Chatterjee

... for the O.P. No.1

1. The legality, propriety and correctness of the order dated 08.09.2023 as passed by the learned Chief Judicial Magistrate, Murshidabad in CR Case No.122(C) of 2009 is the subject-matter of the instant revisional application.
2. By the impugned order, learned trial court was passed to allow the bail application of the accused in the said complain case with a liberty to the accused to avail the benefit of the provision of Section 205 CrPC.
3. The complainant felt aggrieved and prefer the instant revisional application.
4. The complainant, who is the revisionist before this court, appeared in person.
5. It is submitted by him that the accused is a Bangladeshi National and she have cheated the present complainant by way

of taking huge quantity of money for performing a musical event which she did not do even after receipt of such money.

6. It is further submitted by the complainant/petitioner that though by an order of this court the anticipatory bail of the accused was cancelled, even then learned trial court allowed the prayer of the accused and thus wrongly granted bail to the accused which may hamper the trial.
7. It is further submitted that before the learned trial court, he being the complainant, has taken a point before the trial court that the Valalatnama as executed by the accused in favour of his client has not been executed in accordance with law.
8. The complainant/petitioner, thus, prays before this court that the impugned order dated 08.09.2023 as passed by the learned trial court be set aside while allowing the instant revisional application.
9. Per contra, learned Advocate for the opposite party no.1/accused submits before this court that there cannot be any justification to interfere with the order impugned in view of the fact that learned trial court has observed it is a fit case for grant of bail.
10. It is further submitted that in the impugned order learned trial court has considered the provision of Article 21 of the Constitution of India vis-à-vis the liberty given to the accused under Section 205 of the CrPC by an earlier order dated 16.06.2023.

11. It is further submitted that since there is least chance of abscondence of the accused, learned trial court is very much justified in passing the order which is assailed before this court.
12. This court has meticulously perused the entire records. This court has considered the submissions as made by the complainant who appeared in person as well as the learned Advocate for the opposite party no.1/accused.
13. Admittedly before the learned trial court a complaint case was filed by the present petitioner. It reveals that initially on account of non-appearance of the accused, warrant of arrest was issued against her.
14. Subsequently the accused surrenders before the learned trial court. She filed a bail application.
15. Learned trial court while disposing the said application had duly considered the status of the accused and also considered the chance of fleeing from justice even though she is a Bangladeshi National.
16. Learned trial court found that in a complaint case there is no requirement of custodial trial.
17. In considered view of this court, from the impugned order, it reveals that learned trial court has fixed date for evidence before charge.
18. It does not appear to this court also that at the stage of evidence before charge, there is any necessity and/or requirement of

custodial detention of the accused in a complaint case of like nature.

- 19.** In further considered view of this court the finding of the learned trial court while disposing the bail application is perfectly justified and requires no interference from this court.
- 20.** In view of such, this court holds that the instant revisional application is devoid of any merit and is, thus, dismissed.
- 21.** The impugned order dated 08.09.2023 as passed by Learned Chief Judicial Magistrate in CR Case No. 122(C) of 2009 is hereby affirmed.
- 22.** With the disposal of CRR 3644 of 2023 all pending interim applications, if then be any is also disposed of.

(Partha Sarathi Sen, J.)