

Calcutta High Court
In The Circuit bench at Jalpaiguri
Appellate Side

27.09.2024
21
S.D.

C.R.M.(DB) 1 of 2024

In Re:- An application for cancellation of bail under
Section 439 (2) of the Code of Criminal Procedure, 1973.

And

In Re : **Sikha Chatterjee**

..... petitioner

Mr. Krishan Ray
Mr. Anamitra Banerjee
...for the petitioner

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.
Mr. Sourav Ganguly
.... for the State

Mr. Souvik Mitter
Mr. Ranadeb Sengupta
Mr. Debasish Mukhopadhyay
Mr. Sandeep Dutta
Mr. Anirban Banerjee
Ms. Madhushri Dutta
Ms. Shristi Sarkar
...for the O.P. No. 2

Petitioner prayer for cancellation of bail granted by the
order dated November 1, 2023 by the learned Chief Judicial
Magistrate, Jalpaiguri in G.R. Case No. 1564 of 2023.

Learned advocate appearing for the petitioner submits
that, the victim committed suicide after leaving behind a suicide
note. He draws the attention of the Court to the contents of the
suicide note. He submits that private opposite party was

instrumental in such suicide and abetted commission of such suicide.

Learned advocate appearing for the petitioner refers to the orders passed by the Coordinate Bench while considering the application for anticipatory bail. He draws the attention of the court to the contents of such judgment and order dated June 12, 2023. He submits that a Special Leave Petition was preferred against such judgment and order before the Hon'ble Supreme Court. The Hon'ble Supreme Court also refused to grant anticipatory bail to the private opposite party.

Learned advocate appearing for the petitioner submits that the private opposite party is an influential person. Private opposite party was directed to surrender by the Hon'ble Supreme Court. On surrender, private opposite party was taken into custody. While he was in custody, private opposite party conducted political meetings. In support of such contention, he draws the attention of the Court to various newspaper clippings.

Learned advocate appearing for the petitioner submits that, private opposite party was so powerful that he is preventing any local advocate to appear to the petitioner in the matter. In this regard, he draws the attention of the Court to a letter dated October 19, 2023 issued by the local advocate to the Hon'ble The Chief Justice.

State and the private opposite party are represented.

Learned advocate appearing for the private opposite party submits that there is no material irregularity in the impugned order granting bail. No interference is called for. He submits that contents of the so-called suicide note does not implicate his client in abetment to commit suicide. The reports of the so-called political clout is of newspapers which are without the requisite evidentiary value. The advocate who made the complaint on October 19, 2023 is local.

We considered the rival contentions of the parties.

Petitioner as an accused in a criminal case sought anticipatory bail. Prayer for anticipatory bail was rejected by the High Court by a judgment and order dated June 16, 2023 passed in C.R.M. (A) 361 of 2023 with C.R.M. (A) 281 of 2023.

Special Leave Petition (SLP) was carried against such judgment and order dated October 9, 2023. Hon'ble Supreme Court observed in such SLP that there was no merit in the claim for anticipatory bail. The private opposite party was directed to appear before the Trial Court for seeking appropriate relief as is warranted. Such application was directed to be considered on its own merits.

Private opposite party thereafter surrendered before the jurisdictional Court. He was taken into custody.

It is alleged that the private opposite party was holding meetings while he was in custody. In support of such contention, newspapers reports are relied upon.

With respect, we are unable to return a finding that private opposite party held meetings while in custody as claimed by the petitioner on the basis of the newspaper reports due to the evidentiary value of the same.

Private opposite party applied for grant of bail on November 1, 2023 before the jurisdictional Court after being in custody for 18 days. Jurisdictional court considered the rival contentions of the parties. Learned Judge considered the materials in the case diary. Learned Judge held that the private opposite party cooperated with the investigation and that charge sheet was submitted where his name were incorporated in Column 13 thereof. Learned Judge returned a finding that the private opposite party was, therefore, not an accused in the criminal case. Consequently, learned Judge proceeded to grant bail to the private opposite party.

Subsequent to the order dated November 1, 2023, police submitted supplementary charge sheet where the private opposite party is arranged as an accused.

We are to consider the order dated November 1, 2023 on the basis of the materials that were made available to the learned Judge on such date when the subsequent charge sheet was not before the learned Judge. The suicide note which was left behind by the deceased is elaborate and narrates various incidents. Whether the private opposite party abetted the

suicide committed by the deceased or not may be decided at the trial.

The impugned order cannot be said to be perverse. It contains reasons as to why bail was granted. Exercise of discretion in granting bail is not to be readily interfered with unless it is demonstrated to be perverse or that the learned Judge failed to take into consideration relevant materials.

None of such scenarios are available in the facts and circumstances of the present case.

In such circumstances, we find no merit in the present application.

C.R.M. (DB) 1 of 2024 is, therefore, dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)