

D/L93-95
17.03.2025
Rohit
ct.no.26

C.R.M. (DB) 976 of 2023
With
C.R.M. (DB) 1968 of 2023
IA No: CRAN 1/2024
With
C.R.M. (DB) 4083 of 2023

In Re: An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure, 1973 in connection with Nandigram Police Station Case No. 224 of 2021 dated 13.05.2021 under Sections 147/148/149/323/325/302 of the Indian Penal Code subsequently registered as FIR No. RC0562021S0032 of 2021 dated 30.08.2021 at CBI, SCB Kolkata under Sections 143/147/148/149/323/325/326/302 of the Indian Penal Code.

And

In Re: **Kalpana Mahapatra Maity**

...Petitioner

Mr. Moyukh Mukherjee
Mr. Pritam Roy
Mr. Abhijit Singh

...for the /petitioner in
CRM (DB) 976/2023, CRM
(DB) 1968/2023 and CRM
(DB) 4083/2023

Mr. Arun Kumar Maiti (Mohanty)
Mr. Amajit De, Spl. PP, CBI
Mr. Tirthapati Acharya

... for the CBI in
CRM(DB) 976/2023

Mr. Arun Kumar Maiti (Mohanty)
Mr. Amajit De, Spl. PP, CBI
Ms. Sharda Shah

...for the CBI in CRM (DB)
1968/2023

Mr. Bibaswan Bhattacharyya
Mr. Arani Bhattacharyya

...for the Opposite Party
No. 3 and 4 in CRM (DB)
976/2023

Mr. Sandipan Ganguly, Sr. Adv
 Ms. M. Mukherjee
 Mr. Rejaul Alam

...for the Opposite Party
 No. 3 to 13 in CRM (DB)
 1968/2023

Mr. Biswajit Hazra
 Mr. Arif M. Khan
 Mr. Archisman Sain
 Mr. Sk. Nadeem Ahmed

...for the Respondent No.3
 in CRM (DB) 4083/2023

In Re: CRM (DB) 976/2023

1. Three applications for cancellation of bail are taken up for analogous hearing as they emanate out of the same police case.
2. Investigation in the police case was made over to the Central Bureau of Investigation (CBI) pursuant to orders passed by the High Court.
3. CBI initially submitted a charge-sheet. Thereafter it proceeded to file supplementary charge-sheet. The last of the supplementary charge-sheet is of April, 2024.
4. In response to a query of the Court as to the stage of the trial, learned Advocate for CBI is unable to assist the Court as to the stage of the trial. He seeks further time for taking instructions.
5. Applications are pending since 2023.
6. Private opposite parties in CRM (DB) 976 was enlarged on bail initially by the Learned Additional Chief Judicial Magistrate on January 31, 2023 and thereafter, granted bail on February 7, 2023.

7. Contention of the petitioner is that an Additional Chief Judicial Magistrate is not authorized to grant bail in respect of a heinous crime such as murder as involved in the present police case without going into the merits of the case.
8. We perused the order granting interim bail as also the confirmation of the interim bail granted.
9. Police case is of 2021.
10. Learned Additional Chief Judicial Magistrate, while considering the order granting interim bail as also confirming the bail initially granted was conscious of his jurisdiction to grant bail in terms of Section 437 of the Criminal Procedure Code. He discussed the same elaborately in the two orders. We find no perversity in such order warranting our interference.
11. It cannot be said that, the Chief Judicial Magistrate or the Additional Chief Judicial Magistrate stands denuded of the power to grant bail in respect of any heinous crime so long, they follow the provisions of Section 437 with regard thereto.
12. There is no post bail misconduct brought to our notice so far as the private opposite parties are concerned.
13. Trial is yet to commence. Charges are yet to be framed. Charge-sheet speaks of more than seventy prosecution witnesses to be examined at the trial. Possibility of the trial ending in the near future

seems to be a remote given the fact that, charges are yet to be framed and the number of prosecution witnesses required to be examined at the trial.

14. **C.R.M. (DB) 976 of 2023** is dismissed.

In Re: CRM (DB) 1968/2023

1. Orders granting bail dated April 4, 2023 and April 28, 2023 are under challenge.
2. Private opposite party Nos. 3 and 4 were granted interim bail on April 4, 2023. The bail was confirmed on the subsequent date as also the other private opposite parties were granted bail on such date.
3. Both the orders contain elaborate reasons as to why facility of bail was extended to such private parties.
4. It is the contention of the petitioner that, some of the private opposite parties cited medical reasons for obtaining the order of bail which is not supported by adequate documentary evidence.
5. Learned Advocate for the CBI submits that, the medical ailments are not of such serious nature so as to warrant grant of bail.
6. Learned jurisdictional court understood the medical history in a particular way. We are not inclined to enter into such arena in view of the fact that, trial is yet to commence and for the same

reasons as we did not interfere with the earlier order of grant of bail.

7. In such circumstances, **C.R.M. (DB) 1968** of 2023 is dismissed.

In Re: CRM (DB) 4083/2023

1. Petitioner seeks cancellation of the order granting bail to the private opposite party by the order dated February 20, 2023.
2. So far as the private opposite party involved is concerned, learned Additional Sessions Judge took into consideration the medical condition of such private parties and proceeded to grant bail. Learned Additional Sessions Judge also took into account the fact that, further detention will not yield any fruitful result and when the final supplementary charge-sheet is likely to be submitted. On the date, when the order dated February 20, 2023 was passed, final supplementary charge-sheet was not submitted before the jurisdictional court. In fact it was submitted in April, 2024.
3. Again, there is hardly any possibility of the trial commencing in the near future or concluding any time soon.
4. In such circumstances, we are not minded to interfere with the order granting bail to the private opposite party.
5. In such circumstances, **C.R.M. (DB) 4083** of **2023** is dismissed.

In Re: CRAN 1/2024**In****C.R.M. (DB) 1968 of 2023**

1. Learned Advocate appearing for the defacto complainant submits that the condition granting bail be modified to direct that the private opposite parties do not enter the district of Purba Medinipur.
2. The applications are pending for a considerable period of time. Nothing untoward occurring at the instance of the private opposite parties in all the three applications are brought to our notice for us to impose such direction at this stage.
3. In such circumstances, we are not minded to modify the conditions as imposed in the order granting bail.

(Debangsu Basak, J.)***(Smita Das De, J.)***