

03.03.2025
59
Court No.26
S.D.
Dismissed

CRM (DB) 1390 of 2023

In re: An Application for cancellation of bail under Section 439 (2)
of the Code of Criminal Procedure.

-And-

In the matter of: State of West Bengal
... .. Petitioner

Mr. Rudradipta Nandy, Ld. A.P.P.,
Ms. Sonali Das
...For the Petitioner (State)
Mr. Saikat Debnath
... .. For the O.P. No. 3
Mr. Chinmoy Pal
Mr. Archan Dutta
Ms. Megha Datta
...For the O.P. No. 5
Mr. Nilanjan Adhikari
Ms. Oindrila Sinha
Mr. Nitin Sharma
...For the O.P. No. 7

Mr. Malay Bhattacharya
Mr. Subhrajyoti Ghosh
...For the O.P. No. 8
Mr. Sabir Ahmed
Mr. Tasnim Ahmed
Mr. Dhiman Banerjee
....For the O.P. No. 9

Application is at the behest of the State seeking
cancellation of bail granted by the Jurisdictional Court on
January 6, 2023.

Learned Additional Public Prosecutor submits that, private opposite parties are involved in cheating members of the public. Private parties duped unsuspecting members of the public with promise to install 4G/5G mobile towers on their roof tops and extracted money from them.

Learned Additional Public Prosecutor submits that the Court did not taken into consideration the gravity of the offence and the involvement of the private opposite parties while granting bail. He submits that, enlarging the private opposite parties on bail will send a wrong signal to the society.

Private opposite parties are represented by various learned advocates.

We perused the order granting bail to the private opposite parties by the Jurisdictional Court.

Learned Jurisdictional Court took into consideration the fact that the charge sheet was submitted against the private opposite parties. Learned Jurisdictional Court took into consideration the requirement of the further detention for the trial. Learned Jurisdictional Court did not found such requirement and held that in the event the private opposite parties were enlarged on bail, prosecution may not suffer any loss. Learned Jurisdictional Court also found custodial detention may not serve the actual purpose of the prosecution.

By the impugned order dated January 6, 2023, interim bail was granted to the private opposite parties.

Court is informed that subsequently interim bail was confirmed.

Charges are yet to be framed. The police case is dated July 7, 2022.

The possibility of the trial, therefore, ending any time in the near future is remote.

Learned Additional Public Prosecutor draws the attention of the Court to the order of rejection of bail of some of the private opposite parties by the High Court.

We find that the Coordinate Bench rejected prayers of bail made by the private opposite parties at a point of time when the charge sheet was yet to be filed.

On such counts also, we find no ground to interfere with the order passed by the Jurisdictional Court.

C.R.M. (DB) 1390 of 2023 stands dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)