

20.03.2025
Sl. No.37
Ct. No.34
s.biswas

CRM (SB) 124 of 2024

In Re: - An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure corresponding to Section 483(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

And

In the matter of: - Sri Gopal Samanta and others

....petitioners

Mr. Rameswar Sinha

Ms. Monalisa Das

Ms. Debanjana Sen

...for the petitioners

Mr. Arijit Ganguly

Ms. Suveni Banerjee

... for the State

Report submitted by the State is taken on record.

The petitioners/de facto complainants seek cancellation of bail granted vide order dated 10th April, 2024 in connection with Panchla Police Station Case No.356 of 2022 dated 30th October, 2022.

It appears from the order impugned that bail was granted in favour of the second opposite party Soumitra Ghosh upon consideration of the fact that charge-sheet was submitted and the case was triable by the learned Magistrate. However, the third opposite party Bappa Das was not identified or traced and did not apply for bail. The report submitted by the State also reveals that the third opposite party has not been traced or identified till date.

Learned counsel for the petitioners submits that on being released on bail, the second opposite party has mutated his name in respect of the properties in question with regard to which six deeds were forged and fabricated by him. The civil suit is also pending wherein the petitioners have been favoured with

an order of ad interim injunction. Despite such fact the second opposite party, taking advantage of his being at large, is taking various steps in connection with the forged deeds.

The report submitted by the State also indicates that the second opposite party is not cooperating in investigation.

Since further investigation of this case has been directed by the learned Magistrate under Section 173(8) of the Code of Criminal Procedure, the first opposite party/State is at liberty to take necessary steps for securing cooperation of the second opposite party in investigation. Upon such liberty being granted, this court does not wish to interfere with the order impugned dated 10th April, 2024.

CRM (SB) 124 of 2024 is disposed of accordingly.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon compliance of all necessary formalities.

(Suvra Ghosh, J.)