

12.03.2025

Serial no.58

Dd

CRM (DB) 3516 of 2022

In re : An Application for cancellation of Bail under Section 439(2) of the Code of Criminal Procedure, 1973 read with Section 482 of Code of Criminal Procedure, 1973.

-And-

In the matter of : The South Indian Bank Ltd.

... ..Petitioner

Mr. Kushagra Shah,
Mr. Pinak Kr. Mitra, Advocates
... .. For the Petitioner

Mr. Rudradipta Nandy, APP
... ..For the State

1. Petitioner seeks cancellation of bail granted by the order dated January 6, 2020 passed by the Additional Chief Judicial Magistrate.
2. Learned advocate appearing for the petitioner refers to the order passed by the co-ordinate Bench in this application for cancellation dated April 11, 2023.
3. Learned advocate who appeared for the private opposite parties initially submits that he is no longer appearing in this matter.
4. Police case is dated November 23, 2019. Police are yet to submit charge sheet. Justification of non-submission of charge sheet is that, the gold appraiser and the gold loan officer of the de facto complainant are not presenting themselves before the Investigating Officer.
5. Report submitted in Court on behalf of the State be taken on record.
6. Some of the gold appraiser and the gold loan officer are yet to present themselves before the Investigating Officer. Police case revolves around gold loan obtained on the basis of pledge of fake gold.

7. Investigations are unlikely to be concluded any time soon given the conduct of the de facto complainant.
8. We are not inclined to cancel the bail subsisting in favour of the private opposite parties given the progress of the investigations.
9. In such circumstances, CRM (DB) 3516 of 2022 is **dismissed** without any order as to costs.

(Debangsu Basak, J.)

(Smita Das De, J.)