

22.04.2026
Serial no. 132ML
CT.-35
[G.S.D]

CRM (R) 42 of 2025

In the matter of : Mantu Ghosh

... Petitioner(s)

Mr. Ranojoy Chatterjee

... For the Petitioner(s)

Mr. Debasish Roy, Id. PP
Mr. Sachit Talukdar

... for the State

Affidavit-of-service filed by the petitioner be kept with the record.

Learned advocate for the petitioner is aggrieved by the fact that without a case diary, the learned ACJM, Diamond Harbour was pleased to grant bail to the o.p. nos. 2 and 3.

Learned advocate for the State is present.

The records of the case reflect that the case was registered under Sections 419/420/120B of the IPC.

Learned advocate for the petitioner submits that if the materials in the case diary were produced before the learned ACJM, in that case, exercise of discretion could have been examined on the date on which the o.p. Nos. 2 and 3 appeared by surrendering before the learned ACJM.

Learned advocate for the State informs to this court that, in the meantime, charge-sheet has been submitted before the learned jurisdictional court.

I have taken into account the orders which have been passed on 02.07.2024 and 25.03.2025 wherein interim bail was

granted to the accused persons and it has been recorded categorically by the learned ACJM that there has been compliance of Section 41A of the Cr.P.C./Section 35(3) of the BNSS.

Having considered that the offence complained of are Magistrate triable, the learned Magistrate, on the first date on which the accused persons surrendered, was well within his jurisdiction to release the accused persons on interim bail as the investigating agency did not thought it fit to take the accused persons in custody when the accused persons appeared before the investigating officer.

Having regard to the orders so passed, I am of the opinion that no illegality has been committed by the learned Magistrate.

Taking into account the overall circumstances including the factum that charge-sheet having been submitted, I direct that if on future dates in course of the progress of the case, the accused persons create hardship in the progress of the trial, the learned Magistrate would be at liberty to impose stringent conditions including the factum of reconsideration whether bail granted to the accused persons should continue or not.

However, at this stage, no interference is called for.

With the aforesaid observations, CRM (R) 42 of 2025 is disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)

