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06.03.2026  
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C.R.M. (DB) 1742 of 2024

In Re: An application for cancellation of bail under Section 439 (2) of the Code of Criminal Procedure;

Papiya Mahanta  
Versus  
The State of West Bengal & Ors.

Mr. Gunjan Kumar Singh  
Mr. Prakash Mishra  
Ms. Rushali Bairagi.  
...for the petitioner.

Ms. Anasuya Sinha  
Mr. Shiladitya Banerjee.  
...for the State.

Mr. Sankar Biswas  
Mr. Debnath Mahata  
Ms. Ananya Adhikary.  
...for the opposite party nos.2 and 3.

Learned advocate appearing for the petitioner submits that the interim bail was granted on 17.03.2022 without taking into account the materials which implicate the accused persons. Further, it has been alleged that the accused/opposite party nos.2 and 3 not only forged the documents which relate to the authorization but also had been threatening the present petitioner pursuant to the interim bail being granted. Petitioner has also complained that in spite of repeated information furnished to the police authorities, no steps have been taken and, subsequently, the order of interim bail which was passed on 17.03.2022 has been confirmed by the learned Magistrate.

Learned advocate appearing on behalf of the

accused/opposite party nos.2 and 3 submits that the opposite party no.2 is the mother-in-law and the opposite party no.3 is the brother-in-law of the present petitioner.

Learned advocate appearing for the State has submitted a report. Report reflects that charge-sheet has been submitted on 09.10.2023 before the learned ACJM, Barrackpore. The copies have already been supplied to the accused persons on or about 25.07.2024 and the case was thereafter transferred to the jurisdictional Magistrate in seisin of the case.

The order of interim bail was granted on 17.03.2022 when the investigation was in progress, subsequently, charge-sheet has already been submitted. In cases of such nature, custodial detention is primarily when the investigating agency for collection of materials and/or tampering the evidence requires the same. The present is a case where the main allegation is of threatening the informant and/or the witnesses concerned.

In view of a criminal case already pending and the order under challenge is dated 17.03.2022 which is almost four years ago, I am not inclined at this stage to interfere with the order of interim bail granted. However, if the petitioner who complains that there were subsequent events of threat which were informed to the authorities concerned, brings the same to the court in seisin of the case. Learned court in seisin of the case would impose conditions after assessing the genuinity of the allegations as he deems fit and proper for the purpose of further progress of the trial of the case as also protection of the witnesses who would establish the

prosecution case.

With the aforesaid observations, CRM(DB) 1742 of 2024 is disposed of.

Report submitted by the State be kept with the record.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

**(Tirthankar Ghosh, J.)**