

Item No.23
Ct.No.34
dc.

C.R.R. 1299 of 2022
with
CRAN 2 of 2022

In Re: An Application under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973.

Mr. Swapan Banerjee,
Ms. Amita Gaur ... For the State.

Mr. Goutam Dinda,
Mr. Anindya Sundar Chatterjee ... For the K.M.C.

This revisional application has been preferred challenging the orders passed by the learned trial court as well as the learned appellate court.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the petitioner is in custody for about 65 days and pursuant to the earlier order passed by this Court on 02.06.2022, a cost of Rs.10,000/- was deposited and the application under Section 5 of the Limitation Act was allowed. A receipt of the deposit of Rs.10,000/- has been placed before this Court.

Having regard to the fact that this revisional application is required to be heard out on merits, I am of the opinion that during the pendency of this revisional application, further

custodial detention of the petitioner may render the revisional application infructuous.

Accordingly, the petitioner is released on bail of Rs.10,000/- with two sureties, one of whom must be local, to the satisfaction of the learned trial court. If on bail, the petitioner shall once in a month physically appear before the learned trial court and get an acknowledgement regarding his appearance before the learned trial court.

Learned advocates for the State and KMC are present.

Service is complete.

However, at the time of hearing of this revisional application, lower court records would be required. Accordingly, the **department** is directed to place the lower court records of both the learned Magistrate's court as well as the learned appellate's court on the next date fixed for hearing.

List this revisional application under the heading "Contested Application" on 04.08.2022.

All parties including the Court accepting the bail bonds 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 with all requisite formalities.

(Tirthankar Ghosh, J.)