

ITEM NO.7

COURT NO.4

SECTION IIB

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (CRL.) NO(S). 10275/2015
(ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 25/08/2015
IN CRM NO. 4487/2015 PASSED BY THE HIGH COURT OF CALCUTTA)

SUBRATA BAIRAGI AND ANR.

PETITIONER(S)

VERSUS

SANDHYA RANI KUNDU AND ANR
(WITH OFFICE REPORT)

RESPONDENT(S)

Date : 09/02/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s)

Mr. D.K. Mishra, Adv.
Mrs Sarla Chandra, Adv.

For Respondent(s)

Mr. Parijat Sinha, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

[VINOD LAKHINA]
COURT MASTER[ASHA SONI]
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.267 OF 2017
[Arising out of Special Leave Petition
(Criminal) No.10275/2015]

SUBRATA BAIRAGI AND ANR. . . . APPELLANTS

VERSUS

SANDHYA RANI KUNDU AND ANR. . . . RESPONDENTS

ORDER

1. Leave granted.
2. We have heard the learned counsel for the appellants as also the learned counsel for the State. There is none to represent the respondent No.1 - complainant in spite of due service of notice.
3. We have perused the order of the High Court canceling the bail granted to the accused appellants on 1st November, 2014 by the learned trial Court in connection with G.R. No.1619 of 2014 arising out of

Serampore Police Station Case No.421 of 2014.

4. There is no material to show that the case of the complainant with regard to post bail conduct of the accused appellants had been verified/enquired into either by the Police or any other authority. The order made by the High Court canceling the bail granted to the accused appellants is purely on the basis of the allegations levelled by the complainant in the application filed before the High Court.

5. In the above view of the matter we are inclined to hold that the High Court was not correct in canceling the bail granted to the accused appellants by the learned trial Court. The order of the High Court, therefore, is set aside and the accused appellants are allowed to continue to remain on bail as granted to them by the learned trial Court on 1st November, 2014.

6. The appeal consequently is allowed
in the above terms.

.....,J.
(RANJAN GOGOI)

.....,J.
(ASHOK BHUSHAN)

NEW DELHI
FEBRUARY 09, 2017