

09.12. 2021
item No.3
n.b.
ct. no. 34

(Via video conference)

C.R.M 3600 of 2021

In Re: An application for cancellation of bail under
Section 439(2) of the Code of Criminal Procedure, 1973

And

**In the matter of : C.D. E. Asia Limited
.... Petitioner.**

Mr. Sabyasachi Banerjee,
Mr. Anirban Dutta,
Ms. Paulami Bose,
Ms. P. Mukherjee

.....For the Petitioner

Mr. Pawan Kr. Gupta,
Ms. Sofia Nesar,
Mr. Santanu Sett

....For the O.P. Nos.2 to 3

Mr. S. G. Mukherjee, Ld. P.P.
Mr. Tanmay Kr. Ghosh,
Mr. Arindam Sen... for the State.

The learned Advocate for the petitioner submits that the
opposite party Nos. 2 and 3 are continuing their alleged acts which
are offences and are hurting the company/petitioner's reputation.

Learned Advocate for the petitioner submits that both the
learned Sessions Judge as well as Learned Magistrate did not
adhere to the provisions of Sections 438 and 437 of the Code of
Criminal Procedure and granted anticipatory bail and bail to the
opposite party nos. 2 and 3.

Learned advocate for the State submits that the concerned
officer of police station examined the witnesses and recorded their
statements. The report so submitted reflects that charge-sheet has

already been submitted in connection with the instant case and there is nothing on record which reflects that the opposite parties nos. 2 and 3 have misused their liberty which was granted to them. Report so submitted be kept with the record.

The learned advocate for the opposite parties nos. 2 and 3 are present and opposes the contentions advanced by the learned advocate appearing for the petitioner.

I have perused the report, materials on record and also considered the present stage of case. On consideration of the fact that the charge-sheet has already been submitted and the report does not incorporate any misuse of liberty by the opposite party nos. 2 and 3, I am of the opinion that this is not a fit case for interference.

Accordingly, the prayer for cancellation of bail is rejected.

However, during the pendency of this application, as charge-sheet has been submitted before the jurisdictional court, the petitioner, if so advised, would be at liberty to file an application under Section 173(8) Cr. P.C. before the Learned Magistrate. The learned Magistrate would consider the same in accordance with law and if such subsequent evidence surfaces, it would be for the Learned Court to decide for the steps to be taken in respect of the opposite parties nos. 2 and 3.

Accordingly, C.R.M. 3600 of 2021 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Tirthankar Ghosh, J.)