

05.08.2021
Item no.7
Ct. No.34
CHC

C.R.M. No.5219 of 2018

(Via Video Conference)

In Re: An application for cancellation of bail under Section 439(2) read with Section 482 of the Code of Criminal Procedure..

AND

In the matter of:-

Directorate of Revenue
Intelligence, Kolkata Zonal Unit
... petitioner

Mr. Kaushik Dey

...for the petitioner

Mr. Dey, learned advocate appearing for the petitioner submits photostat copy of the orders of the learned Metropolitan Magistrate, 11th Court, Calcutta, where the complaint case filed by the authorities are pending.

Report has also been received from the learned Chief Metropolitan Magistrate, Calcutta and the report of learned Chief Metropolitan Magistrate, Calcutta reflects that complaint has also been filed and the accused persons are appearing and participating in the trial.

As the subject-matter of challenge relates to the order passed on 31st of January, 2018 and 26th of February, 2018, relating to the interim bail being granted by the learned court and more than three and a half years have passed since the orders of bail being passed, I am of the view that at this belated stage interference would infringe upon the personal liberty of the persons who have

been granted bail. Further, no documents have been placed on record to show that there has been any misuse of the post bail conduct. Thus, on an overall assessment of the proceedings, I am of the view that no interference is called for at this stage of the case.

However, the authorities will be at liberty to take out appropriate application if the accused persons are found to evade the process of law regarding the appearance before the court and/or they adopt dilatory tactics therein before the learned trial court.

With the aforesaid observations, C.R.M.5219 of 2018 is disposed of.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)