

CRM No. 9346 of 2020

In Re : Subrata Roy

.....Petitioner.

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

Mr. Kamalesh Chandra Saha
Ms. Payel Mitra

...for the petitioner .

Ms. Sreyashee Biswas

...for the State.

Mr. Suddhadev Adak

...for the opposite party nos. 2 & 3.

The present application for cancellation for bail under
Section 439(2) of the Code of Criminal Procedure relates to the
order dated 19th February, 2020 passed by the learned Chief
Judicial Magistrate, Barasat, North 24 Parganas.

Record reflects that the opposite party nos. 2 & 3 were
granted anticipatory bail and subsequently they surrendered
before the jurisdictional court.

Learned advocate for the petitioner submits that the
representations were made to the concerned Inspector-in-Charge
as well as the Commissioner of Police regarding the conduct of
the accused persons which included amongst other witnesses
being threatened of dire consequences.

Ms. Sreyashee Biswas, learned advocate appearing for the State submits that the direction of the Hon'ble Court in CRM No.12464 of 2019 which was passed on 6th January, 2020 was for the accused persons to appear before the jurisdictional court for praying regular bail within a period of four weeks and the accused persons surrendered after the said period.

Learned advocate for the State further submits that there are no report till date regarding the misuse of liberty of the bail at instance of the opposite party nos. 2 & 3.

Mr. Adak, learned advocate for the opposite party nos. 2 & 3 is present in court.

I have perused the materials available in the case diary, including the documents relied upon by the petitioner.

In view of the submissions of the learned advocates appearing for either parties, I am of the considered opinion that it is not a fit case for cancellation of bail as the accused persons are enjoying the liberty granted to them for more than 1 year 10 months.

None of the advocates could apprise this court regarding the next date fixed before the learned Magistrate. As the case was registered in November, 2019 and subsequently chargesheet has already been submitted, the learned Magistrate is directed to fix dates for consideration of charge at the earliest, preferably on the next date or within a week thereafter after complying with the provisions of Section 207 of the Code of Criminal Procedure and

take the trial to its logical conclusion within a reasonable period of time.

With the aforesaid observations, the application for cancellation of bail being CRM 9346 of 2020 is disposed of.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

(Tirthankar Ghosh, J.)