

05-07-2022
Subha
Item no. 31
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction
Appellate Side

CRM (SB) 80 of 2022

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

**Sri Samit Banerjee
-Versus-
State of West Bengal & Ors.**

Mr. Krishendu Bhattacharya
Mr. Priyankar Ganguly
Ms. Shalini Bairagi

.....for the petitioner.

Ms. Manaswita Mukherjee

.....for the Opposite Party nos. 2 & 5.

Mr. Somopriya Chowdhury
Mr. Karan Dudhweaala

...for the Opposite Party nos. 3 & 6.

Ms. Sayanti Santra

....for the State.

Affidavit of service so filed be kept with the record.

Report submitted by Ms. Santra, learned advocate appearing for the State be kept with the record.

Mr. Bhattacharya, learned advocate appearing for the petitioner vehemently argues that the accused/opposite parties in collusion with the police authorities have diluted the merits of the case after causing huge loss to the petitioner and his company.

It is submitted that the opposite party no. 2 happened to be an employee who used the technology, contacts as also the infrastructure of his company and made

a separate commercial venture thereby causing business loss to the petitioner and his company.

It is emphasized that the opposite party no. 2 being an in house member of the petitioner company divulged the details, entered into a collusion with his relations and caused business loss to the tune of Rs.2.5 crores.

Mr. Somopriya Chowdhury, learned advocate appears on behalf of the opposite party no. 3 & 6. While Ms. Mukherjee, learned advocate appears on behalf of the opposite party nos. 2 & 5. It is submitted that the learned Magistrate by exercising his discretion and on perusal of the case diary allowed the prayer for bail. Learned advocate further submits that no case has been made out for interference with the order of bail, which has been passed by the jurisdictional court. Learned advocate submits that requirement for cancellation could not be satisfied and the petitioner is unnecessarily wreaking his vengeance on the opposite party nos. 3 & 6 and 2 & 5.

Ms. Santra, learned advocate appearing for the State relied upon the report so submitted before this court and contended that efforts are being made by the Investigating Agency to arrive at its conclusion. According to her, the process of collection of materials are still in progress and the police authorities would be in a position to submit their report under Section 173 Cr.P.C after certain clarification are provided by the present petitioner.

I have taken into account the submissions advanced by the parties and the issues relating to the dispute and having regard to the same, I am of the opinion that no case for interference with the order of bail is required at this stage.

Let the police authorities continue with their investigation and arrive at its findings within a reasonable period of time. If so required, the Investigating Agency at a proper stage may prefer for an appropriate application before the learned Chief Judicial Magistrate, Alipore, South 24 parganas.

With the aforesaid observations, CRM (SB) 80 of 2022 is disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]