

13-07-2022
Subha
Item no. 12
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction
Appellate Side

CRM (SB) 114 of 2022

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

**Apex Marine Services LLC & Pravu Shipping Lines Pvt. Ltd.
-Versus-
State of West Bengal & Anr.**

Mr. Satadru Lahiri
Mr. Mujibar Rahaman
Mr. Apan Saha

.....for the petitioner.

Mr. Ayan Bhattacharjee
Mr. Jakir Hossain
Mr. M.A.Zamal
Mr. Subhajit Manna

.....for the O. P. No.2.

Mr. S. G. Mukherji, Id. PP,
Mr. Md. Anwar Hossain
Mrs. Ratna Ghosh

....for the State.

Mr. Lahiri, learned advocate appearing for the petitioner seeks for cancellation of bail of the accused/opposite party on the ground that the orders passed by the learned Magistrate on 24th February, 2022 and 28th February, 2022 are diametrically opposite. The reasons for which the accused was taken into police custody on his surrender and the reasons for release according to the learned advocate is on the basis of the attitude and approach of the Investigating Agency shown before the court and the frustration expressed by the learned Judicial Magistrate by way of an interpretation and observation in the said order that the prosecution was not interested

in keeping the accused persons under custodial detention.

The record also reflects somewhat that prior to the date of police custody being completed, on medical issues a put up petition was allowed and the bail application was considered on merits of the case when certain observations of the learned Magistrate exposes a helpless situation.

Mr. Mukherji, learned Public Prosecutor, High Court, Calcutta appears on behalf of the State and submits a report. The report of the Investigating Officer categorically states that the custody of the accused/opposite party at this stage is not required by the Investigating Agency. Let the report of the SI of Shakespeare Sarani PS dated 12th July, 2022 be kept with the record.

Mr. Bhattacharyya, learned advocate appearing for the opposite party no.2 submits that the stringent conditions imposed by the learned Magistrate has been complied with and there are no allegations till date that the opposite party has evaded the process of law or tried to tamper with the evidence pursuant to his release.

I find that the A.I bail was granted on 28th February, 2022 till 8th April, 2022 and it has been submitted that till date the A.I bail is continuing with extensions. It has also been submitted that the next date is fixed on 29th July, 2022.

In view of the aforesaid, I direct that the learned C.M.M, Calcutta to consider the issue of bail permanently after hearing the State and the de facto complainant of the case. The points raised in this application for cancellation of bail would be open to the de facto complainant for being canvassed before the learned C.M.M, Calcutta on 29th July, 2022.

With the aforesaid observations, the application for cancellation of bail being CRM(SB) 114 of 2022 is disposed of.

Needless to state that no further notice would be issued to any of the parties as all the parties are represented before this court.

The learned C.M.M, Calcutta is directed to act on the server copy of this order

duly downloaded from the official website of this court.

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]