

05.09.2022
tkm/ct 28
sl no. 48

C.R.M. (DB) 1697 of 2022

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

And

In Re : Ashim Chakraborty petitioner

Mr. Sandipan Ganguly, Sr. Adv.

Mr. K Dudhwewala

..... for the petitioner

Mr. Sekhar Kr. Basu, Sr. Adv.

Mr. Antarikhya Basu

Mr. Sayan Mukherjee

..... for OP nos. 2 and 3

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

..... for the state

Mr. Ganguly, learned senior counsel appearing for the petitioner challenges the order dated 4.5.2022 granting interim bail to opposite party no. 2. He submits bail was granted on the first day without considering the gravity of the offence.

Mr. Basu, learned senior counsel appearing for the opposite party nos. 2 and 3 submits that the dispute has a civil profile and custodial interrogation was not necessary.

We have considered the materials on record. The order impugned is an interlocutory one.

Under such circumstances we dispose the petition giving liberty to the petitioner to pray for cancellation of bail before the court below. In the event such prayer is made, the court below shall advert to all necessary parameters including the gravity of the offence and requirement for custodial interrogation and dispose of the application in accordance with law at the earliest.

We make it clear we have not expressed any opinion with the merits of the matter which is kept open to be decided by the court below while disposing of application for cancellation that the petitioner may be advised to file.

With the aforesaid observations C.R.M. (DB) 1697 of 2022 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)