

27-07-2023
Subha
Item no. 296
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction
Appellate Side

CRM (SB) 92 of 2023

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

**Naviya Real Estate Pvt. Ltd.
-Versus-
The State of West Bengal and Others.**

Mr. Suresh Sahani
Mr. Lokesh Sharma
Ms. Anjana Banerjee
.....for the petitioner.

Mr. Sabyasachi Banerjee
Mr. A. Dutta
Mr. Priyanka Mukherjee
.....for the opposite parties.

Mr. Tanmoy Kumar Ghosh
Mr. Asraf Mondal
.....for the State.

The application preferred before this court is in respect of an order dated 3rd April, 2023 arising out of Park Street Police Station Case No. 142 dated 05-10-2018 wherein chargesheet has been submitted under Sections 120B/420/406 IPC and is pending before the learned Metropolitan Magistrate, 9th Court, Calcutta.

Petitioner is aggrieved regarding certain relaxation shown by the police authorities in course of the investigation. So far as the materials, which the petitioner intends to place, the same were not before the learned Magistrate on the date on which the application for bail was considered. Petitioner, as such, is granted liberty to take out an application under Section 437(5) of the Code of Criminal Procedure.

Learned Magistrate will take all efforts to hear all the parties and come to a finding within a period of four to six weeks from the date of filing of such application.

While disposing of such application, the learned Magistrate would bear in mind the guidelines of the Hon'ble Supreme Court.

Since the affidavits in this case have not been exchanged, the accused opposite party and the State were not in a position to rebut the contention made in the application. As such, the learned Magistrate would deal with the same by exercising his/her due prudence.

Accordingly, the application for cancellation of bail being CRM (SB) 92 of 2023 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.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

[Tirthankar Ghosh, J]