

25.08.2023
Sl.No. 5
Ct. 33
Amalranjan

Assigned

CRR 2520 of 2023

Re: Md. Majahid alias Md. Mojahid and anr.

Mr. Apalak Basu
Mr. Nazir Ahmed
Ms. Sanghamitra Mridha.....for the petitioners

Mr. Rudradipta Nandy
Ms. Sonali Das.....for the State

This revisional application assailed the order dated 17th May, 2023 passed by the learned Chief Judge, City Sessions Court, Calcutta in connection with Criminal Misc. Case No. 349 of 2022 whereby the learned Judge cancelled the order of the interim bail passed on 02.05.2022 by the learned Chief Metropolitan Magistrate, Calcutta in connection with Special Task Force (STF) PS Case no. 10 of 22.02.2022 under Section 25(1B)(a) of Arms Act read with Section 120B of the Indian Penal Code and 25(8)/35 of the Arms (Amendment) Act.

From the record, it appears that the petitioners were granted interim bail on 2.5.2022 and subsequently it was confirmed on 13.6.2022. The learned Sessions Judge cancelled the interim order passed on 2.5.2022 viz. dated 17.5.2023 whereas that the interim order was confirmed subsequently on 13.6.2022.

Considering the principles as laid down in (2009)11 SCC 479 - Prem Chandra Agarwal and another Vs. Uttar Pradesh Financial Corporation and others, the order impugned cancelling the interim order of bail passed on 2.5.2022 is unsustainable and liable to be set aside.

Accordingly, the order dated 17.5.2023 passed in connection with Criminal Misc. Case No. 349 of 2022 stands set aside.

However, liberty is given to the prosecution to take steps according to law.

With the aforesaid observations this revisional application is disposed of.

Liberty is granted to all parties to act in terms of the copy of this order downloaded from the official website of this court.

(Bibhas Ranjan De,J.)