

29.09.2023
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disposed of

C.R.M. (A) No. 3718 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Special Case No. 33 of 2017 under Sections 24/27 of the SEBI Act.

And

In Re : Ayub Saha petitioner

Mr. Dipta Dipak Banerjee

... for the petitioner

Mr. Rajib Roy

... for the SEBI

1. Learned Counsel for the petitioner submits he was in custody in connection with a case registered in Odisha. Production of warrant was issued by the Special Court in Kolkata for production of the petitioner before the said Court. Production warrant was not executed and the petitioner has been enlarged on bail in the case registered in Odisha. Thereafter, warrant of arrest was issued. Petitioner apprehends arrest pursuant to the said warrant and has prayed for anticipatory bail.

2. Learned Counsel for the SEBI contends petitioner was not produced before this Court. This has resulted in delay in trial.

3. We have considered materials on record. Petitioner was in custody in connection with a case registered in Odisha. A production warrant was issued for his production before the Court in Kolkata. Due to non-availability of police guard,

production warrant was not executed and the petitioner has been enlarged on regular bail in the Odhisa case. In view of the aforesaid development production warrant was recalled and non-bailable warrant has been issued against the petitioner. He is ready and willing to appear before the trial court and pray for regular bail. Under such circumstances, we direct warrant of arrest issued upon the petitioner shall remain suspended till two weeks after ensuing Puja Vacation. In the meantime petitioner shall appear before the learned trial court and pray for regular bail. Trial court shall consider the prayer for regular bail bearing in mind the aforesaid circumstances and the fact that investigation is complete and complaint has been filed. In the event petitioner fails to appear and pray for regular bail as aforesaid, warrant shall stand revived and be executed against the petitioner in accordance with law.

4. Accordingly, application for anticipatory bail is disposed of.

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)