

27.08.2024
SL No.194
Court No.29
(gc)

CRM (DB) 420 of 2024

In re: An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure, 1973.

And

In the matter of: **Sonbrat Urja Private Limited**

.... petitioner.

Mr. Satadru Lahiri,

Mr. Safdar Azam

....For the Petitioner.

Mr. Rudradipta Nandy, Ld. A.P.P.,

Ms. Sanjana Saha

....For the O.P. No.2.

1. This is an application for cancellation of anticipatory bail.
2. The petitioner has in effect challenged the order passed by the learned Sessions Judge, Alipore, South 24 Parganas in Criminal Misc. Case No.318 of 2024 dated 29.01.2024 in connection with an application filed by the o.p. no.2 for anticipatory bail. The order records elaborately the submission made on behalf of all the parties including the present petitioner. The petitioner submits that the accused person has not complied with the notice under Section 41A Cr.P.C. issued by the Investigating Officer and for that reason the learned Sessions Judge could not have allowed the application for anticipatory bail. It would appear from the impugned order that the learned Public Prosecutor raised the aforesaid issue. The parties have made their elaborate submission. What weighed with the learned

Trial Court appears to be that the dispute is essentially commercial and contractual in nature and for which the second memorandum of understanding is required to be considered at the trial stage.

3. In view of the fact that the Trial Court has considered all relevant factors which if we were the Court to decide the said matter would have taken into consideration. This application is completely frivolous and dismissed with costs assessed at Rs.10,000/- to be paid to the State Legal Services Authority and shall be earmarked for Mediation.
4. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)