

05.08.2024
rc/ct.no.34
Item No.92

CRR No.2591 of 2024

**In the matter of : Mr. Suresh Kumar Banthia & Anr.
.....Petitioners**

Mr. Sabyasachi Banerjee
Mr. Anirban Datta
Mr. Rohit Chowdhury ...for the Petitioners

Mr. Vipul Kundalia
Ms. Uneaza Ali ...for the ED

Copy of the application has been served upon the Directorate of Enforcement, being the 2nd opposite party herein.

Heard learned counsels for the parties.

The petitioners are aggrieved by the 2nd and 3rd conditions of bail imposed upon them by the learned Chief Judge, City Sessions Court, Calcutta by an order passed on May 21, 2024 in M.L.Case No. 3 of 2024. Surprisingly, though the learned Judge granted bail in favour of the petitioners upon placing reliance on the authority in **Tarsem Lal Vs. Directorate of Enforcement Directorate, Jalandhar Zonal Office** reported in **2024 SCC Online, SC 971** he imposed the following conditions upon the petitioners which are as follows –

“(2) Accused/petitioners Suresh Kumar Banthia and Jitesh Kumar Banthia are also directed not to leave the jurisdiction of this Court without prior permission of this Court.

(3) Accused/petitioners Suresh Kumar Banthia and Jitesh Kumar Banthia are also directed to deposit their passports before the I.O. of this case within seven days from the passing of this order.”

In view of the observation made by the Hon’ble Supreme Court in Tarsem Lal (supra) the learned Chief Judge, City Sessions Court, Calcutta ought not to have imposed such conditions upon the petitioners while enlarging them on bail.

In view of the above, the 2nd and 3rd conditions being “(2) Accused/petitioners Suresh Kumar Banthia and Jitesh Kumar Banthia are also directed not to leave the jurisdiction of this Court without prior permission of this Court and (3) Accused/petitioners Suresh Kumar Banthia and Jitesh Kumar Banthia are also directed to deposit their passports before the I.O. of this case within seven days from the passing of this order” imposed by the learned Chief Judge, City Sessions Court, Calcutta upon the petitioners vide the order dated May 21, 2024 in M.L.Case No. 3 of 2024 are quashed/set aside.

On the prayer of the petitioners liberty is granted to apply before the learned Chief Judge, City Sessions Court, Calcutta under Section 205 of the Code of Criminal Procedure.

CRR No. 2591 of 2024 is disposed of.

There shall be no order as to costs.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh,J)