

CRR No. 4580 of 2024

In the matter of : Biswajit Sarkar

..... petitioner.

Mr. Moyukh Mukherjee

Ms. Sagnika Banerjee

Ms. Aishwarya Bazaz

Ms. Sarmistha Basak

Mr. S. Mondal ...for the petitioner.

Mr. Dhiraj Trivedi

Mr. Amajit De ...for the CBI.

Mr. Samrat Dey Paul ...for the opposite party Nos.2 & 3.

Heard learned counsels for the parties.

The petitioner is aggrieved by the order dated 21st August, 2024 passed by the learned Additional Sessions Judge, 1st Court, Sealdah, South 24 Parganas in ST 01(02) of 2023 releasing the accused/private opposite parties on bail. The submission made on behalf of the parties has been recorded in the order dated 5th March, 2025.

It appears that the usual date fixed before the learned trial Court was 26th September, 2024.

The put up application was moved by the private opposite parties before the learned trial Court on 21st August, 2024 for putting up the case record since the private opposite parties were willing to move the bail application before the learned Court.

Copy of the put up application was served upon the 1st opposite party/CBI on 19th August, 2024. The put up application was filed before the learned trial Court on 21st August, 2024 and on the same date the bail application was taken up for consideration by the learned trial Court and allowed.

The learned trial Court has recorded that copy was served upon the CBI but the authority was not represented. There is nothing on record to suggest that copy of the bail application was served upon the CBI and it was only the put up application that was served upon the authority.

Learned counsel for the CBI submits that the authority was under the impression that the put up application would be moved on 21st August, 2024 and a date be fixed for consideration of the bail application.

Neither the CBI was present when the bail application was considered, nor was the case diary called for. The application was allowed only on the basis of submission made on behalf of the accused/private opposite parties.

In view of the above, this Court is inclined to hold that notice of the bail application ought to have been served upon the CBI and the learned trial Court ought to have considered the material available in the case diary

and heard the learned counsel for the CBI at the time of consideration of the application for bail.

Accordingly, the order impugned dated 21st August, 2024 passed by the learned Additional Sessions Judge, 1st Court, Sealdah in Sessions Trial No. 01(02) of 2023 be quashed/set aside.

The accused/opposite parties be taken into custody at once.

This Court is informed that the case has been transferred to the learned Judge, Bench-I, City Sessions Court, Calcutta for disposal.

The learned trial Court is directed to reconsider the application filed by the private opposite parties seeking bail upon service of notice upon the CBI and perusing relevant documents including the case diary.

The revisional application being CRR 4580 of 2024 is disposed of.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)