

M/L 627
28.01.2026
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C.R.M. (SB) 67 of 2024

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

Sri Nitin Goenka
Versus
The State of West Bengal & Ors.

Mr. Soumya Banerjee
Ms. Sucheta Banerjee.
...for the petitioner.

Mr. Anand Keshari
Mrs. Rituparna Saha.
...for the State.

Mrs. Subhasree Patel
Ms. Shruti Mukhopadhyay.
...for the opposite party nos.2 to 4.

Learned advocate for the petitioner is aggrieved by the order passed by the learned Chief Metropolitan Magistrate, Calcutta, thereby granting bail to the three accused persons.

The records of the case reflect that charge-sheet was already filed prior to the private opposite parties appearing before the court and it has been recorded that compliance of Section 41A of the Cr.P.C. has been made by the accused persons.

Learned advocate for the State is present.

I have taken into account the grievance of the present petitioner which is mainly in respect of perversity of the order of the learned CMM, Calcutta. So far as the order dated 02.04.2024 is concerned, I find that the case is for magistrate triable offences, accused persons have complied with the notice under Section 41A

of the Cr.P.C., the police authorities in course of investigation did not arrest the accused persons and, as such, in the fitness of circumstances the learned Magistrate thought it fit and proper that custodial detention is unwarranted.

Having considered that the same issue has been covered by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI reported in (2024) 9 SCC 177**, I am of the view that no interference can be made in the order dated 02.04.2024. However, if there are subsequent supervening circumstances which may interfere with the process of trial, petitioner would be at liberty to bring the same to the notice of the learned jurisdictional court. Learned jurisdictional court under those circumstances will exercise its discretion in accordance with law.

With the aforesaid observations, CRM(SB) 67 of 2024 is disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Tirthankar Ghosh, J.)