

**16.02.2022**

**Serial no.67**

Dd

**CRM 39 of 2021**

In re : An Application under Section 439(2) of the Code of Criminal Procedure, 1973.

**Smt. Mallika Das  
Vs  
State of West Bengal & Anr.**

Mr. Abhra Mukherjee,  
Mr. Sauradeep Dutta,  
Ms. Ria Mukherjee, Advocates  
... .. For the Petitioner

Mr. Tanmay Kr. Ghosh,  
Md. Kutubuddin, Advocates  
... ..For the State

Mr. Arabinda Chatterjee, Id. Sr. adv.  
Mr. Pradyat Saha,  
Mr. Amadipta Sengupta, Advocates  
.. ...For the Opposite Party no. 2

Petitioner prays for cancellation of bail granted in favour of the opposite party no. 2. Learned senior advocate appearing for the opposite party no. 2, in his usual fairness, submits on instruction that his client will pay a sum of Rs.20,000/- per month towards maintenance of the petitioner and the two daughters month by month commencing from the month of January, 2022 and payable within 15<sup>th</sup> of each month. The first payment for the months of January, 2022 and February, 2022 will be made by

February 28, 2022 and for the subsequent months by the 15<sup>th</sup> of each month.

The Court is informed that there is one application under Section 125 of the Criminal Procedure Code pending before the jurisdictional Court for fixation of the amount of maintenance that the petitioner is entitled to.

Without prejudice to the rights and contentions of the respective parties in the proceedings under Section 125 of the Criminal Procedure Code, it would be appropriate to record the submission of the learned senior advocate for private opposite party with regard to the maintenance.

The private opposite party will pay the petitioner month by month a sum of Rs.20,000/- per month commencing from the month of January, 2022. The first payment for the months of January, 2022 and February, 2022 will be made by February 28, 2022 and for the subsequent months by the 15<sup>th</sup> of each month.

It is clarified that the jurisdictional Court is at liberty to fix the quantum and the period of maintenance for the petitioner and her daughters and be not bound by the quantum or the period observed by this Court. The quantum and period fixed are as and by way of interim measure

In the facts and circumstances of the present case and in view of the stand taken by the opposite party no. 2 as recorded above, it would be appropriate to dispose of the application for cancellation of bail without canceling the bail.

CRM 39 of 2021 is **disposed of** accordingly.

**(Debangsu Basak, J.)**

**(Bibhas Ranjan De, J.)**