

04.02.2022

Serial no.56

Dd

(Through Video Conference)

CRM 3083 of 2021

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

-And-

Smt. Kajal Dey

Vs

State of West Bengal & Anr.

Mr. Debasis Kar,
Mr. Susen Mustafi, Advocates
... ... For the Petitioner

Mr. N. Ahmed, Id. APP
Ms. Ayantika Ray, Advocate
... ...For the State

By an order dated October 1, 2021, the petitioner was required to serve a copy of the application for cancellation of bail upon the person obtaining the bail and the office of the learned Public Prosecutor. The Court is informed that the State was only served. The petitioner is yet to serve the application upon the opposite party no. 2.

Learned advocate appearing for the petitioner submits that the opposite party no. 2 obtained an order for bail after entering into a compromise for marriage. He submits subsequent to the order of bail, the opposite party no. 2 is not marrying the petitioner.

The order dated December 31, 2020 does not specify any time period for marriage nor does it prescribe that the opposite party no. 2 is required to marry the petitioner as a condition for grant of bail.

Consequently, we are unable to hold that there exists any ground which warrants cancellation of the bail.

CRM 3083 of 2021 is **rejected**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)