

32 20.09.2022
(AD)
Court No.29

C.R.M. (DB) 2724 of 2022

In Re: - An application under Section 439(2) of the Code of Criminal Procedure, 1973 for cancellation of Anticipatory Bail.
And

In the matter of: - Indrani Choudhury

...petitioner.

Mr. Asimes Goswami
Ms. Paulomi Banerjee

... for the petitioner.

Mr. Joydeep Roy
Ms. Sujata Das

... for the State.

Mr. Kallol Mondal

... for the opposite party nos.2 to 4.

Petitioner prays for cancellation of the anticipatory bail granted by the order dated August 24, 2018 passed in CRM 6517 of 2018.

Learned Advocate appearing for the petitioner submits that amount was transmitted to his client on behalf of the private opposite parties. He submits that in the affidavit the private opposite parties are not providing any assurance that future payments in terms order of the order dated August 24, 2018 will be made.

State is represented.

Learned Advocate appearing for the de facto complainant submits that the parties are governned by the order that may be passed by the competent court with regard to the alimony.

In the facts of the present case by the order dated August 24, 2018, the private opposite party was directed to pay a sum of

Rs.12,000/- per month to the petitioner and child beginning August, 2018 and continue with such payment till an appropriate court directs alimony or maintenance or costs to be paid to the de facto complainant. In such eventuality, the payments made pursuant to the order granting anticipatory bail was directed to be adjusted. In default, the de facto complainant and the State were granted liberty to seek cancellation of the bail of all the petitioners.

Apparently, the private opposite parties are in compliance with the order dated August 24, 2018. At least no material is place before the Court to suggest to the contrary. There is a claim of overpayment which such issue need not be gone into by this Court.

In such circumstances, we find no reason to cancel the anticipatory bail granted by the order dated August 24, 2018.

C.R.M. (DB) 2724 of 2022 is disposed of accordingly.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

