

16.12.2022

Item No.21

Ct.No.34

dc.

C.R.M. (SB) 232 of 2022

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

And

In Re : **Sandhya Rani Naskar**
... Petitioner.

Mr. Kunal Ganguly ... For the Petitioner.

Mr. Neguive Ahmed,
Ms. Trina Mitra ... For the State.

Mr. Sabyasachi Mukherjee,
Mr. Safiqul Islam
... For the Opposite Party Nos. 2 to 10.

Mr. Ganguly, learned advocate appearing for the petitioner challenges the post bail conduct of the opposite party nos. 2 to 10. Learned advocate submits that until and unless certain conditions are imposed, the present petitioner is unable to enter into the jurisdiction.

Report dated 09.12.2022 submitted by Mr. Ahmed, learned advocate appearing for the State be kept on record.

The said report reflects that the petitioner is staying at a far off place for the purposes of a job and other occupation.

Learned advocate appearing for the private opposite party nos. 2 to 10 is present and submits that they are harassed because of number of criminal cases have been foisted at the instance of the present petitioner.

I have considered the submissions advanced by the learned advocate appearing for the petitioner as also the

learned advocate appearing for the opposite party nos. 2 to 10. I have also taken into account the report submitted by the investigating agency. The said report reflects that pursuant to the order being passed earlier by a co-ordinate Bench of this Court, the petitioner and her family members entered her house and started living there peacefully and thereafter shifted to Behala, Kolkata with her family members for job and occasionally she goes to her native home. It has been stated that whenever she goes, she resides peacefully at her residence. The Investigating Officer has also reported that there is a long-standing hostility in respect of land and property between the parties and there are case and counter-case.

Considering the report so submitted, I am of the opinion that the post bail conduct complained of is not convincing for interference by this Court. If circumstances so warrant, petitioner would be at liberty to take out appropriate application before the learned Additional Chief Judicial Magistrate, Diamond Harbour, South 24-Parganas. The learned Additional Chief Judicial Magistrate, Diamond Harbour would consider the circumstances and exercise his discretion in accordance with law.

With the aforesaid observations, the application for cancellation of bail, being CRM (SB) 232 of 2022, 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 with all requisite formalities.

(Tirthankar Ghosh, J.)