

14.09.2022
Item No.10
Ct.No.2
dc.

Circuit Bench of Calcutta High Court at Jalpaiguri

C.R.M. (SB) 3 of 2022

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

And

In Re : **Smt. Sweta Agarwal** ... Petitioner.

Mr. Anirban Dutta,
Mr. Shubhankar Dutta ... For the Petitioner.

Mr. Arun Kumar Sarkar,
Mr. Nilay Chakraborty,
Mr. Abhijit Sarkar,
Ms. Namrata Das ... For the State.

Mr. Dipankar Dey,
Mr. Partha Pratim Sarkar ... For the Opposite Party Nos. 2 & 3.

Affidavit-of-service filed in Court today be kept on record.

The present is an application for cancellation of bail. The subject-matter relates to Orders dated 06.12.2021 and 07.12.2021 passed by the learned Chief Judicial Magistrate, Jalpaiguri in connection with Bhaktinagar Police Station Case No. 1015 of 2021 dated 06.08.2021 under Sections 498A/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act.

Mr. Arun Kumar Sarkar, learned advocate appearing for the State submits that charge-sheet has already been submitted in the month of September 2021.

The grievance of the petitioner is that the husband is staying in a foreign country and there is no scope for compelling him to appear in course of the trial in the instant case.

As charge-sheet has already been submitted, prayer for cancellation of bail of Ramesh Saraf and Manju Saraf, which is the subject-matter of this case, is not interfered with.

So far as the issue relating to the husband viz., Mohit Saraf is concerned, process should be issued by the learned Magistrate in accordance with the provisions of law. If he is not found, appropriate steps may be taken for compelling his appearance before the court of law.

CRM (SB) 3 of 2022 is, thus, disposed of.

All pending connected applications, if any, are consequently 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.)