

30.03.2023

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Ct. No. 29

CHC

C.R.M.(DB) 718 of 2023

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

And

In the matter of : Samsul Huda Laskar

..... petitioner

Mr. Pawan Gupta,

Ms. Farnaz Nasim

....for the petitioner

Mr. Joydeep Roy,

Mrs. Sujata Das

....for the State

Mr. Angshuman Chakraborty,

Mr. S.S. Saha

...for the o.p. nos.2 and 3

The order dated April 20, 2022 passed by learned Sessions Judge, 24 Parganas (South), Alipore, in Criminal Misc. Case No.1273 of 2022 is under challenge in the present application for cancellation of bail.

Learned advocate appearing for the petitioner submits that, the private opposite parties took a sum of Rs.40 Lakh on promise of delivering gold and platinum. Private opposite parties returned a sum of Rs.2,22,800/- and thereby admitted their liability and their guilt. Learned Judge failed to take such aspect into consideration while granting anticipatory bail.

State and the private opposite parties are represented.

It is the claim of the petitioner that sum of Rs.40 Lakh was made over to the private opposite parties on the basis that the private opposite parties would make over gold and platinum of commensurate value. The claim of the petitioner is yet to be substantiated.

No document is forthcoming to suggest that the private opposite parties acknowledged the transaction in the manner as claimed by the petitioner.

Apparently, there is a commercial relationship between the petitioner and the private opposite parties.

Learned Judge proceeded to take into account payment of a sum of Rs.2,22,800/- by the private opposite parties to grant anticipatory bail to the private opposite parties.

In such circumstances, we find no perversity in the impugned order warranting interference by the High Court.

CRM (DB) 718 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)