

25.01.2023
tkm/ct 28
sl no.56

C.R.M. (DB) 310 of 2023

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

In Re : Tamalika Ghosh petitioner

Mr. Dipanjan Dutt
Mr. S Saha

..... for the petitioner

Opposite party no. 2 has been enlarged on interim bail.

It is contended on behalf of the petitioner that opposite party no. 2 was granted interim bail without considering the case diary. Streedhan articles have not been recovered.

We note that the order is an interlocutory one. Petitioner had co-operated with investigation. Plea with regard to non-recovery of Streedhan articles may be agitated at the time of confirmation of bail in accordance with law.

Hence, we dispose of the application giving leave to the petitioner to file application for cancellation of bail before the learned Magistrate and in the event such prayer is made, the same shall be considered as expeditiously as possible preferably within two months from the date on which the application is preferred after giving opportunity of hearing to the opposite-party/accused.

With the aforesaid observation, CRM (DB) 310 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)