

01.05.2023
tkm/ct 28
sl no. 73

C.R.M. (DB) 459 of 2023

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

And

In Re : Ritaja Bhadra petitioner

Mr. Anirban Dutta

Mr. A Roy

Mr. A Jena

..... for the petitioner

Mr. Debasis Roy

Mr. A Ghosh

Mr. Sreemoye Roy

..... for OP no. 2

Ms. Sreyashee Biswas

..... for the State

Petitioner has assailed order dated 2.12.2022 passed by the
learned Sessions Judge-in-Charge, North 24 Parganas granting bail
to opposite party no. 2.

It is contended opposite party no. 2 had induced petitioner to
marry her on false pretext. He had used a forged Indonesian
passport. He had also purportedly forged orders of the Hon'ble Apex
Court. He had misappropriated large funds of money. His bail has
been turned down in October 2022.

Petitioner also submits he has prayed for further
investigation.

Learned lawyer for opposite party no. 2 submits that there
was matrimonial dispute between the parties. He denies and
disputes the allegations levelled against him. He contends
investigation is complete and further detention is not necessary.

Learned lawyer for the State submits conditions may be imposed on the opposite party no. 2.

We have considered the materials on record. There is a matrimonial dispute between the parties. They had married each other in 2021. FIR came to be registered in May 2022. Allegation that there was false representation at the time of matrimony requires to be assessed with regard to filing of FIR after a lapse of 1½ years. Allegation of forgery revolves around documents most of them are in the custody of the investigating agency. Custodial interrogation in that regard is not necessary. Offences are triable by Magistrate.

In view of the nature of crime and the law declared in *Satender Kumar Antil vs. CBI*¹ we are of the opinion cancellation of bail is not called for. However, we find sufficient force in the submission of the learned lawyer for the State that appropriate conditions be imposed on the opposite party no. 2 so as to ensure his presence during further investigation/trial.

We take note of the fact that passport of opposite party no. 2 is in the custody of the trial court. However, to ensure his presence during further investigation (if any, and/or trial) and to instill confidence in the mind of the petitioner and her witness we direct opposite party no. 2 while on bail, shall not enter the jurisdiction Laketown P.S until further orders expect for the purpose of further investigation and shall reside within the municipal limits of Kolkata North or South 24 Parganas and shall provide address where he

¹ (2022) 10 SCC 51

shall reside to the investigating agency as well as the court below and shall report to the Officer-in-Charge of the P.S concerned within whose jurisdiction he shall presently reside once in a week until further orders.

With the above directions, CRM (DB) 459 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)