

28.04.2023

Serial no.30

Dd

CRM (DB) 1726 of 2023

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

-And-

In the matter of : Sri Pranab Kumar Das @ Pranab Das
... ..Petitioner

Mr. Sobhan Majumder, Advocates
... .. For the Petitioner

The order dated September 29, 2022 passed by the Sessions Judge granting anticipatory bail to the private opposite is under challenge in the present application.

It is contended on behalf of the petitioner that, despite the entire amount being paid in respect of the flat in question, the private opposite party made over possession thereof to a third party and is not giving possession to the petitioner.

Apparently, there is a title suit pending in respect of the immovable property concerned. The petitioner filed Title Suit no. 249 of 2021 before the Court of the learned 5th Court Civil Judge, (Junior Division) at Howrah.

Learned Sessions Judge took note of the pendency of such civil suit. He returned a finding that there are civil disputes involved between the private opposite party. In such circumstances, learned Sessions Judge was pleased to grant anticipatory bail to the private opposite party.

We find no perversity in the order granting anticipatory bail passed by the learned Sessions Judge warranting our interference.

In such circumstances, (DB) 1726 of 2023 is **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)