

19.05.2023
tkm/ct 28
sl no. 55

C.R.M. (DB) 2056 of 2023

In Re : An application for cancellation of bail under section 439 (2) of the Code of Criminal Procedure read with section 482 Cr. P.C

And

In Re : Barsha Raj Gupta @ Barsha Barnwal petitioner

Mr. U S Chattopadhyay

Ms. T Rakshit

Mr. R Tah

Mr. A Karmakar

..... for the petitioner

Petitioner submits that the opposite party accused had illegally sold the same property to another individual. He prays for cancelation of bail.

We have considered the materials on record. Learned Magistrate considered the facts and circumstances of the case. He notes that the dispute is civil in nature. It may be relevant to note that prior sale is in favour of the petitioner. Subsequent sale if any, would not create legal right in favour of third party. It is contended property is not in possession of the petitioner. Recovery of possession if any, cannot be the subject matter of criminal investigation let alone custodial interrogation.

Under such circumstances, we do not find any merit in the application and the same is dismissed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)