

08.05.2023
Sl. No.62
akd

C. R. M. (DB) 4167 of 2022

In Re : An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure filed on 22.11.2022 :

A N D

In Re : Mousumi Das Jana

... Petitioner

Mr. Apalak Basu
Mr. Abhik Chitta Kundu

... .. for the petitioner

Mr. Navanil De
Mr. Rajeshwar Chakraborty
Mr. Srinjan Ghosh
Mr. Subhrajit Dey
Ms. Monami Mukherjee

... .. for the opposite party no.2

Mr. Saibal Bapuli .. Id. Addl. Public Prosecutor
Ms. Sayanti Santra

... .. for the State

It is submitted on behalf of the petitioner that *stridhan* articles have not been recovered. Hence, bail granted to opposite party no.2 may be cancelled.

Learned Advocate for the opposite party no.2 denies and disputes such fact. He also submits allegation of misuse of liberty is out and out false.

Learned Advocate for the State submits investigation is complete.

We have considered the materials on record. Instant case arises out of a matrimonial dispute. Opposite party no.2 was enlarged on bail after considering the case diary and other relevant circumstances. There is no illegality in the impugned order. Allegation of misuse of liberty is general and omnibus.

With regard to non-recovery of *stridhan* articles, we note opposite party no.2 had been taken into police custody. Some of the *stridhan* articles have been recovered. Non-recovery of other *stridhan* articles, if any, would be considered in course of trial.

Keeping in mind the aforesaid circumstances, we do not find any reason to interfere with the order granting bail to opposite party no.2 herein.

CRM (DB) 4167 of 2022 is accordingly, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)