

03.02.2023
tkm/ct 28
sl no. 64

C.R.M. (DB) 4474 of 2022

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

And

In Re : Sabitri Barui

..... petitioner

Mr. Navanil De
Mr. R Chakraborty
Mr. Srinjan Ghosh
Mr. S Dey
Ms. M Mukherjee

..... for the petitioner

Mr. S Bapuli
Ms. Sayanti Santra

..... for the State

Petitioner assails the bail granted to opposite party no. 2.

It is contended after opposite party no. 2 was released on bail, parties reconciled and started residing together as husband and wife. Subsequently, petitioner has been thrown out of the matrimonial home along with her minor child.

Even if the allegations are believed, such situation would attract a fresh cause of action. Conduct of the parties to reconcile and live together as husband and wife was neither desired nor a condition of bail.

Hence, we do not find any reason to interfere with the order granting bail to opposite party no. 2.

With the aforesaid observation CRM (DB) 4474 of 2022 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)