

27.09.2023  
Court No.1  
SL No.73  
pk/AP

**HIGH COURT AT CALCUTTA  
CIRCUIT BENCH AT JALPAIGURI**

**CRM(DB) 145 of 2023**

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

And

In the matter of: **Smt. Sayani Patra nee Ghosh**

....Petitioner.

Mr. Surajit Basu

...for the petitioner.

Mr. Ujjal Luksom

Mr. Chattu Roy

...for the State.

Mr. Arijit Ghosh

...for the Opposite Party/Husband.

1. The application for cancellation of bail is in respect of FIR No.113 of 2022 dated 25<sup>th</sup> June, 2022 under Sections 498A/307/406/506 of the IPC read with Sections 3/4 of the D.P. Act is made primarily on the ground that the Public Prosecutor has not opposed the bail and also that stridhan articles have not been recovered.

2. This Court is of the view that the Public Prosecutor has acted in accordance with law and fairly in not opposing the bail in respect of the FIR under the aforesaid sections.

3. A bail even otherwise cannot be cancelled for non-return of stridhan articles.

4. Counsel for the opposite party husband submits that he is ready and willing to return any of the remaining stridhan articles since most of them have already been returned.

5. For the aforesaid purpose, the petitioner/wife shall provide a list of all balance articles through her advocate to the advocate for husband/opposite party within a period of one week from date.

6. All such articles in the list shall be returned to the applicant mandatorily and positively by 11<sup>th</sup> October, 2023.

7. In default, the petitioner shall be entitled to make a prayer afresh for cancellation of bail.

8. With the aforesaid observations, the application for cancelation of bail is disposed of.

**(Rajasekhar Mantha, J.)**

**(Supratim Bhattacharya, J.)**