

16.11.2023
Serial no. 26
(Dd)

Calcutta High Court
In The Circuit Bench at Jalpaiguri,
Appellate Side

CRM (DB) 162 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 : Smt. Madhumita Ghosh
... ..Petitioner

Mr. Amales Ray,
Mr. Arnab Sengupta,
Ms. Oshmita Mukherjee, Advocates
... .. For the Petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Sourav Gnaguly, Advocates
... ..For the State

Mr. Gobindo Ghosh,
Mr.. Anirban Banerjee, Advocates
... ..For the private Opposite Party

Petitioner prays for cancellation of the anticipatory bail granted by the learned Sessions Judge, Jalpaiguri in-charge in Criminal Misc. Case no. 501 of 2023.

Learned advocate appearing for the petitioner submits that the impugned order is perverse. The learned Judge proceeded to take into consideration a document which cannot be admitted in evidence. Moreover, the learned Judge overlooked the severity of the evidence and the involvement of the petitioner therein.

State and the private opposite party are represented.

By the impugned order, the learned Judge, granted anticipatory bail to the private opposite party. While doing so, the learned Trial Judge took into consideration that, there was a relationship between the de facto complainant and the private opposite party. Moreover, the de facto complainant and private opposite party traveled together and that there was air ticket to establish their travelling. There was a rent agreement also.

The impugned order contains reasons as to why the anticipatory bail was granted.

Learned Trial Judge taking into consideration the relationship between the de facto complainant and the private opposite party found no necessity for custodial interrogation of the private opposite party.

In such circumstances, we are unable to agree with the contentions of the petitioner that, the impugned order suffers from any perversity or that the learned Judge did not take into consideration the severity of the offence or the involvement of the petitioner therein or took into account any document which cannot be admitted in evidence.

We find no merit in the present application.

CRM (DB) 162 of 2023 is **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)