

17.11.2023
Serial no. 10
(Dd)

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

CRM (DB) 519 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 : Gayatri Saha

... ...Petitioner

Mr. Kallol Acharya,
Mr. Tapan Bhattacharjee, Advocates
... ...For the State

Mr. Milindo Paul,
Mr. Nabankur Paul,
Mr. Subhan Das,
Mr. Abhishek Sarkar, Advocates
... ...For the private Opposite party no.2

The application is for cancellation of anticipatory bail granted to the private opposite party by the learned Sessions Judge, Coochbehar in Bail Petition No. 711 of 2023.

State and the private opposite party are represented.

Request is made on behalf of the petitioner for adjournment.

Prayer for adjournment made on behalf of the petitioner is considered and rejected.

It appears from the records that, the private opposite party is an officer belonging to a securitization Company. Securitization Company invoked the provisions of the SARFAESI Act and proceeded as against the secured assets. The de facto complainant is one of the owners of the property against which SARFAESI proceeding was initiated.

It is in that context that, the criminal complaint was lodged.

Learned Court considered such aspect of the matter and proceeded to grant anticipatory bail to the private opposite party.

Post bail misconduct is not established.

The order granting bail cannot be said to be perverse.

In such circumstances, we find no ground to cancel the anticipatory bail granted to the private opposite party

CRM (DB) 519 of 2023 accordingly **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)