

03.05.2024
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Ct. No. 29
S.D.

C.R.M.(DB) 662 of 2024

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

And

In Re : **Miraj Mondal**

..... petitioner

Mr. Uday Sankar Chattopadhyay

Ms. Trishal Rakshit

Ms. Aishwarya Datta

...for the petitioner

Mr. Joydeep Roy, Ld.Jr.Govt Adv.,

Mr. Mirza Firoj Ahmmed Begg

...for the State

Ms. Nasreen Islam

..for O.P. No. 2

Petitioner seeks cancellation of anticipatory bail granted by Order No. 2 dated January 25, 2024 passed in Criminal Miscellaneous Case No. 100 of 2024 by the learned Sessions Judge, Purba Bardhaman.

Learned advocate appearing for the petitioner draws the attention of the Court to the averments made in the petition, affidavit-in-opposition and the reply. He submits that from time to time, a sum of Rs.92 lakh and odd was paid to the private opposite party for business transactions. A sum of Rs.90 lakh was paid through bank transaction while a sum of Rs.2 lakh and odd was paid in cash.

Learned advocate appearing for the petitioner submits that 41A notice was not replied to by the private opposite party.

He submits that, the private opposite party committed fraud on the petitioner.

State and the private opposite party are represented.

Learned Sessions Court took into consideration the materials in the case diary and the fact that the police case was registered following an order passed under Section 156 (3) of the Cr.P.C. He also took into account the money transaction as also the conduct under Section 41A of the Cr.P.C. He took notice of the fact that even after the police complaint, a sum of Rs.2,50,000/- was paid by the petitioner.

Learned Sessions Judge found after considering the materials in the case diary that the custodial interrogation of the private opposite party was not required.

Post bail misconduct is not made out. The order impugned cannot be said to be perverse.

In such circumstances, we find no reason to interfere.

C.R.M. (DB) 662 of 2024 is dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

