

09.05.2024

31
Ct. No. 29
S.D.

C.R.M.(DB) 2064 of 2023

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

And

In Re : **Bandana Dutta**

..... petitioner

Mr. Manas Kumar Das
Mr. Aritra Kumar Thokdar
...for the petitioner

Mr. Bitasak Banerjee
.... For the State

Mr. Tapodip Gupta
..for the O.P. No. 2.

Order dated March 4, 2023 passed in Criminal Miscellaneous Case No. 272 of 2023 is assailed in this application for cancellation of anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was asked to officiate as a Cashier of a bank on a particular date when an amount was found to be defalcated. Thereafter, the private opposite party took advantage of such situation and entered into a physical relationship with the petitioner. Subsequent to the order granting anticipatory bail, the private opposite party is threatening the petitioner.

State and the private opposite party are represented.

Affidavits filed in Court be taken on record.

A previous police complaint was lodged against the petitioner on the ground of defalcation of money belonging to the bank.

Thereafter, the present police complaint was lodged by the petitioner.

Learned Sessions Court took into account the materials in the case diary. The Sessions Court took into account the delay in lodging of FIR and the fact that the relationship between the petitioner and the private party were consensual in nature. The order dated March 4, 2023 contains reason for grant of the prayer for anticipatory bail. Such reasons cannot be said to be perverse.

Post bail misconduct is not established.

In such circumstances, we find no merit in the present application.

C.R.M. (DB) 2064 of 2023 is dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)