

24.09.2024
Serial no.35
(Dd)

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

CRM (DB) 4 of 2024

In re : An Application for cancellation of Bail under Section 439(2) of the Code of Criminal Procedure, 1973.

-And-

In the matter of : Bela Agarwal

... ..Petitioner

Mr. Partha Pratim Sarkar,
Mr. Sudip Guha,
Mr. Sandip Guha Roy,
Mr. Ananda Paul, Advocates
... .. For the Petitioner

Mr. Aditi Shankar Chakraborty, APP
Mr. Subhasish Misra, Advocates
... ..For the State

Mr. Anirban Banerjee,
Mr. Sandeep Dutta, Advocates
... ..For the private Opposite Party

This application is for cancellation of bail granted by order dated December 27, 2023 passed in GR No. 4608 of 2023 by the learned Chief Judicial Magistrate, Jalpaiguri.

Learned advocate appearing for the petitioner submits that, the petitioner was defrauded for a sum in excess of 80 lakhs ostensibly on account of property dispute. He submits that such money is yet to be refunded. He points out that the private opposite party approached the High Court for grant of anticipatory bail and not pressed the first application on November 22, 2023. Thereafter, second application for anticipatory bail was dismissed on December 13, 2024. It is only thereafter that, the impugned order was passed.

State and the private opposite party are represented.

We find from the records that, private opposite party initially approached the High Court for grant of anticipatory bail

by way of CRM (A) 910 of 2023 which was dismissed as not pressed on November 22, 2022. Thereafter, private opposite party applied for grant of anticipatory bail by way of CRM (A) 973 of 2023 which was rejected on December 13, 2023.

Learned Jurisdictional Court granted bail to the private opposite party on December 27, 2023 by recording that, the source of the instant case is an agreement for sale and that the disputes are civil in nature.

View taken by the jurisdictional Court is plausible so far as grant of bail is concerned.

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

CRM (DB) 4 of 2024 is **dismissed** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)