

23.09.2024
DL-77
(Dismissed)
(AD)

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (DB) 670 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 : Piyali Basu Majumder @ Majumdar
... ...Petitioner

Mr. Debasish Mukherjee
Ms. Srishti Sarkar

... ... For the Petitioner

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Subhasish Misra

... ... For the State

Mr. Kumar Shantanu
Ms. Puja Chakraborty

... ...For the opposite party no.2

1. Petitioner seeks cancellation of bail granted by the Order No.2 dated November 10, 2023 passed in Criminal Misc. Case No.2100 of 2023 by the Vacation Judge, Jalpaiguri.
2. Learned Advocate appearing for the petitioner submits that, the private opposite party no.2 was married. On the promise of giving job, petitioner was lured into a room at a hotel and was sexually assaulted. She was also beaten up. She submits that, an opportunity should be granted to file an affidavit-in-reply to bring on record the document establishing that a hotel room was booked in the name of the opposite party no.2.
3. State and the private opposite party no.2 are represented.

4. Learned Judge by the order dated November 10, 2023 considered the materials in the case diary. Learned Judge took into account that, a marriage was registered and performed between the opposite party no.2 and the petitioner. Petitioner suppressed that, she was previously married to another person and that, there was a daughter born out of the previous marriage. Thereafter, matrimonial disputes arose between the petitioner and the opposite party no.2.
5. We do not find any ground to interfere with the impugned order.
6. Impugned order contains reasons as to why the opposite party no.2 was granted bail.
7. Apparently, petitioner before us entered into a marriage with the opposite party no.2 when there was a marriage existing of the petitioner with someone else and a child born out of such wedlock.
8. In such circumstances, **CRM (DB) 670 of 2023** is dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)