

14.08.2025

Item No.268

Ct.No.34

rc.

C.R.M. (SB) 28 of 2024

In Re : Application for cancellation of bail.

And

In Re : Varsha Bhansali

Ms. Anju Manat

Ms. Ruchi Hallen

...for the petitioner

Mr. Anand Keshari

...for the State

Report submitted by the State is taken on record.

The private opposite parties are not represented despite service.

Heard learned counsels for the parties.

Learned counsel for the petitioner submits that the 3rd opposite party has expired.

His name be deleted from the cause title of the application.

The petitioner seeks cancellation of bail of the private opposite parties granted by the learned Chief Judicial Magistrate, Howrah on December 04, 2023 on two-fold grounds:-

First, the bail was granted without assigning any reason therefor. Second, though the accused/private opposite parties

submitted before the learned Magistrate that they had no objection if the petitioner took back her stridhan property, the stridhan articles have not been returned to her till date. Several raids were held by the Investigating Agency but to no effect. Learned counsel submits that she has no document to prove that the stridhan articles claimed by her belongs to her since they are ancestral property.

Learned counsel for the petitioner places reliance on the following authorities in support of her contention.

- (i) Puran Vs. Rambilas & Anr. with Shekhar & Anr. Vs. State of Maharashtra & Anr. reported in (2001) 6 Supreme Court Cases 338
- (ii) State of Bihar Vs. Rajballav Prasad @ Rajballav Prasad Yadav @ Rajballabh Yadav reported in (2017) 2 Supreme Court Cases 178

Learned counsel for the State submits that since the private opposite parties cooperated in investigation of the case, the Investigation Officer did not find their custody necessary.

I have considered the material on record.

The moot question for consideration herein is whether the order granting bail is vitiated by serious infirmity. The authorities referred to by the petitioner demonstrates that the order granting bail ignoring relevant material or taking into account irrelevant material ought to be set aside and the bail cancelled.

In the present case, the order impugned indicates that the bail was granted primarily on the ground that the private opposite parties/accused cooperated in investigation of the case and responded to the notice issued upon them under Section 41A of the Code of Criminal Procedure. Since their custodial interrogation was not found to be necessary, they were granted bail. The case was at the stage of investigation when the bail was granted and the learned Chief Judicial Magistrate, took note of the fact that custodial interrogation of the accused was not required.

The reasons assigned in the said order for release of the accused on bail appears to be sufficient and adequate and as such, the order cannot be said to be perverse.

With regard to the return of stridhan articles of the petitioner, though a list of such articles was produced by the petitioner before the Investigating Officer, the petitioner has not been able to substantiate that the said articles were her stridhan articles given to her at the time of her marriage. Raids were held at the residence of the private opposite parties and some articles were recovered which were made over to the petitioner.

Upon consideration of the entire material on record, particularly the order impugned, this Court is of the view that the learned Magistrate has rightly released the private opposite parties/accused on bail upon consideration of the material on record and submission made on behalf of the parties.

There is no illegality or irregularity in the said order that requires interference by this Court.

Accordingly, the application being CRM(SB) 28 of 2024 is dismissed.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)