

D/L70
04.03.2025
Rohit
ct.no.26

C.R.M. (DB) 340 of 2024

In Re: An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure, 1973 in connection with Park Street Police Station Case No. 44 of 2023 dated 12.05.2023 under sections 498A/406/354/313/34 of the Indian Penal Code read with Sections 3 & 4 of the Dowry Prohibition Act, 1961

And

In Re: **Sana Wasim Ahmed**

...Petitioner

Mr. Sandipan Ganguly, Sr. Adv
Ms. Manaswita Mukherjee
Mr. S. Dasgupta

...for the petitioner

Mr. Rudradipta Nandy, Ld. A.P.P
Ms. Manisha Sharma
Mr. Bitashok Banerjee

...for the State

Mr. Jaydeep Biswas
Mr. Kaushik Ghosh

...for the OP No.2

1. Application is for cancellation of bail granted by the jurisdictional court.
2. Learned Senior Advocate appearing for the petitioner draws the attention of the Court to the First Information Report particularly to paragraphs (c) and (d) thereof. He submits that the private opposite party is holding on to a sum in excess of Rs. 40,00,000/- which the private opposite party obtained.
3. State and the private opposite parties are represented.

4. Learned jurisdictional court granted bail to the private opposite party after considering the materials in the case diary.
5. Learned jurisdictional court took into account the year of marriage as also the materials in the case diary with regard to Section 313 of the Indian Penal Code and proceeded to grant bail to the private opposite party.
6. The Court is informed that police submitted a charge-sheet without adding Section 313 of the Indian Penal Code. Court is also informed that an exception to the charge-sheet submitted was filed on behalf of the petitioner which is pending consideration before the jurisdictional court.
7. Materials in the case diary do not make out a case for custodial trial of the private opposite party.
8. The order of the jurisdictional court granting bail cannot be said to be without any reasons. Post bail misconduct is not established.
9. In such circumstances, we are not inclined to cancel the bail existing in favour of the private opposite party.
10. **C.R.M. (DB) 340 of 2024** is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)