

09.01.2025
Sl. No.60
akd

C. R. M. (DB) 2704 of 2023

In Re : An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure filed on 04.07.2023 :

A N D

In Re : Manojit Adhikary @ Manoit Adhikari ... Petitioner

Mr. Priyam Biswas

... .. for the petitioner

Mr. Pinak Kumar Mitra

... .. for the State

1. Petitioner has approached this court on the ground that opposite party nos.2 and 3/accused have not yet refunded the sum of money which was handed over to them in respect of a sale agreement.
2. We are of the opinion criminal investigation cannot be utilized to recover dues. Any direction for payment of outstanding dues cannot be a condition of pre-arrest bail.
3. Accordingly, we are of the opinion failure to refund outstanding dues do not make out a case for cancellation has been made out.
4. CRM (DB) 2704 of 2023 is thus, dismissed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)