

09.01.2025
Sl. No.61
akd

C. R. M. (DB) 2900 of 2023

In Re : An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure filed on 16.07.2023 :

A N D

In Re : Dipali Ghosh

... Petitioner

Mr. Kamalesh Chandra Saha
Mr. Mishuk Saha
Mr. Samanya Saha

... .. for the petitioner

Mr. Kallol Kumar Basu
Md. Jannat-ul-Firdous

... .. for opposite party no.2

1. Petitioner contends learned Sessions Judge failed to consider gravity of the offence and granted pre-arrest bail.
2. Learned Advocate for the opposite party no.2/accused submits there is property dispute between the parties. The husband and opposite party no.2 assaulted the petitioner on a number of occasions. Husband had been convicted once. Present case has been falsely instituted.
3. We have considered the materials on record. In the FIR it is alleged opposite party no.2 had attempted to rape the petitioner. She is related to opposite party no.2. Opposite party no.2 was assaulted by her husband earlier on a number of occasions. Her husband had been convicted on one occasion. Possibility of false implication due to prior enmity cannot be ruled out. The aforesaid circumstances were taken into consideration by the learned Sessions Judge while granting pre-arrest bail to opposite party no.2. Order is a reasoned one and cannot be said to be perverse. There is no allegation of misuse of liberty. No case for cancellation of pre-arrest bail is made out.
4. CRM (DB) 2900 of 2023 is thus, dismissed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

