

M/L 142

05.03.2025

Rohit

ct.no.26

C.R.M. (DB) 2370 of 2024

In Re: An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure, 1973/under Section 483(3) of the BNSS, 2023 in connection with Manicktala Police Station Case No. 259 of 2023 dated 29.09.2023 under sections 498A/406/506/509/341/323/354/354D/354C/313/34 of the Indian Penal Code read with Section 3 /4 of the Dowry Prohibition Act and added Sections 66/67A of Information of Technology Act .

And

In Re: **Swarnali Saha**

...Petitioner

Mr. Probal Mukherjee, Sr. Adv
Mr. Debangana Bhattacharya
Ms. Busra Khatun
Ms. Rupsa Sreemani

...for the petitioner

Mr. Ranadeb Sengupta
Mr. Asraf Mandal

...for the State

Mr. Arindam Jana
Mr. Subhrajyoti Bandopadhyay
Mr. Subhrajyoti Dey

...for the O.P No. 2 to 5

Mr. Kallol Mondal
Mr. Arindam Jana
Mr. Suvrojyoti Dey

...for the O.P. No.2

1. Affidavit-in-opposition filed in Court be taken on record.
2. Petitioner seeks cancellation of bail granted by the learned Additional Sessions Judge on June 12,

2024 in Sessions Trial No.2(6)/2024 Sessions Case No. 45 of 2024.

3. Learned Advocate appearing for the petitioner submits that, the application for grant of bail made by the private opposite party was not accompanied by an affidavit. Moreover, no vakalatnama was filed on behalf of the private opposite party. According to him, the learned Court lacked jurisdiction to grant bail to the private opposite party.
4. Learned Advocate appearing for the private opposite party submits that, the learned advocate moved the application for bail was duly instructed and appointed.
5. Learned Advocate appearing for the State refers to the materials in the case diary.
6. Petitioner is the wife of the opposite party no.2. Two of the opposite parties are the in-laws of the petitioner and one of the opposite party is the compounder of the opposite party no.2.
7. Learned jurisdictional court considered the materials in the case diary as also the fact that there were no previous criminal antecedent so far as the private opposite party.
8. We note that, prior to the grant of bail, the jurisdictional court framed charges as against the accused.

9. We do not find any requirement to keep any of the private opposite parties in custody pending the trial.
10. In such circumstances, we are not minded to interfere with the order granting bail to the private opposite parties.
11. **C.R.M. (DB) 2370 of 2024** is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)