

03.03.2025
Sl. No.64
akd

C. R. M. (DB) 3429 of 2023

In Re : An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure filed on 25.08.2023 :

A N D

In Re : Sikha Rani Ghosh

... Petitioner

Mr. Jayanta Narayan Chatterjee .. Sr. Advocate
Mr. Supreem Naskar
Ms. Jayashree Patra
Ms. Pritha Sinha

... .. for the petitioner

Mr. Anand Kesari
Ms. Soumili Choudhury
Ms. Pubali Debnath

... .. for opposite party no.2

Mr. Suman De

... .. for the State

1. Mr. Jayanta Narayan Chatterjee for the petitioner submits learned Judge failed to consider opposite party no.2 had forged documents and erroneously held the dispute is civil in nature. After grant of pre-arrest bail, opposite party no.2 became emboldened and has been threatening witnesses.

2. We have considered the materials on record. No doubt it is alleged in the FIR opposite party no.2 had forged documents in order to raise false claims. However, there were rival claims which may have prompted the learned Judge to hold the dispute is civil in nature.

3. We clarify that such observation is tentative and shall not have any bearing at the subsequent stage of the proceeding. Be that as it may, the bail order being passed in 2023 and as the allegations of threat are generic and not substantiated by cogent materials, we do not wish to cancel the pre-arrest bail granted to opposite party no.2.

4. With these observations, CRM (DB) 3429 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)