

09/02/2026
D/L – 190
Court No.28
S. Kundu

C.R.M.(DB) 4440 of 2024

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

In the matter of: Smt. Sanchita Sarkar Roy

...Petitioner.

Mr. Sanjib Bandyopadhyay
Mr. Manoj Kr. Mondal

...for the petitioner.

Mr. Madhusudan Sur
Ms. Sana Naaz

...for the State.

Mr. Aniruddha Bhattacharyya
Ms. Anushka Bose
Ms. Rai Das

...for the O.P nos. 2 and 3.

1. This is an application for cancellation of anticipatory bail granted by the learned Sessions Court, Bankura by an order dated 8th October, 2024 passed in Criminal Misc. Application No. 769 of 2024.
2. Learned counsel appearing for the petitioner submits as follows. The FIR does not pertain to breach of contract or a simple monetary transaction. It states overwhelmingly about the criminality. A criminal case was clearly made out. The FIR was not filed to settle a civil dispute. Before investigation, a person should not be extended the benefit of anticipatory bail by treating it as a matter of civil nature when allegations of cheating, fraud and intentional siphoning of money is apparent. Filing of a petition under Section 138 of the N.I. Act, presently

pending, shows the criminal intention of siphoning of money. The impugned order was not properly reasoned.

3. Learned counsel appearing for the opposite party nos. 2 and 3 submits as follows. Before this proceeding, the opposite party nos. 2 and 3 had initiated the proceedings under the N.I. Act in respect of dishonour of cheques issued by the present petitioner. The matter has been fixed for consideration of charge. Disputes are entirely civil in nature and it is on such consideration that the learned Sessions Judge granted anticipatory bail. There is no allegation of any post bail conduct or violation of terms that would implicate the private opposite parties.
4. Heard the learned counsel for the State.
5. It appears that the order of anticipatory bail was passed by the learned Sessions Court after hearing the parties and upon consideration of the case diary. It recorded as under:-

“It revealed that the main allegation is related to a dispute which is civil in nature. Petitioners have attended the I.O. after getting notice Under Section 35 of BNSS. I think in such case custodial interrogation is not required.”
6. Therefore, the order passed by the learned Sessions Court was a reasoned one.
7. There is also no allegation of post bail conduct warranting alteration of the terms.

8. Thus, I do not find any infirmity in the order dated 8th October, 2024 passed by the learned Sessions Judge, Bankura in the facts of the instant case.
9. Accordingly, CRM (DB) 4440 of 2024 is dismissed.
10. There shall, however, be no order as to costs.
11. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)