

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE

Present:

The Hon'ble Justice Jay Sengupta

CRM (M) 767 of 2026

Kalpana Das

-vs-

The State of West Bengal & others.

For the Petitioner : Mr. Kingsuk Mondal
: Mr. Suman Das

Heard on : 07.05.2026

Judgment on : 07.05.2026

Jay Sengupta, J.:

This is an application for cancellation of anticipatory bail filed in respect of an order dated 17.02.2026 passed by the learned Sessions Judge, Murshidabad in Criminal Miscellaneous Case No. 555 of 2026 in respect of Behrampore Police Station Case No. 77 dated 11.01.2026 under Sections 318 (4), 315 (3), 79, 3 (5) of the BNS.

Learned counsel appearing on behalf of the applicant petitioner submits as follows. The petitioner is the de facto

complainant in this case. In her FIR, she had clearly alleged that the accused, being her brother and his wife, had promised to take care of her as she was unmarried and also because she was not keeping well. They procured certain signed cheques in respect of her SBI savings account for incurring expenses for her treatment. Although they did incur some expenses for such treatment, they took out the entire sum of Rs. 32 lakhs from the bank account. They even tried to murder her. In spite of such serious allegations, the learned Sessions Judge granted anticipatory bail to the private opposite parties.

As per the order granting anticipatory bail, it was the case of the defence that the accused had taken care of the de facto complainant during her illness spanning about three years and thereafter, at the instigation of other relatives, the FIR was registered.

There is a finding of the learned Sessions Court that there were transactions of ATM withdrawals, cash withdrawals and the like. However, some transactions revealed transfer of money to mutual funds, although some transactions were made in favour of the accused.

It appears that by a reasoned order and after considering the contentions of the rival parties and the State

and after perusing the materials in the case diary, the learned Sessions Judge was pleased to grant anticipatory bail to the private opposite parties.

Furthermore, it appears that allegations are substantially based on documentary evidence and some such documents have already been collected and made part of the case diary from which certain inferences could be drawn by the learned Sessions Judge.

In view of the above discussions, I do not find any patent illegality in the order passed by the learned Sessions Judge in granting anticipatory bail to the petitioners.

Therefore, I do not find any reason to interfere with the order granting anticipatory bail.

In view of the above, the application for cancellation of anticipatory bail is dismissed.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)