

28.07.2026
Item No.66
Court No.9
CHC

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side

C.R.M. (R) 25 of 2026

In Re:- An application for cancellation of bail under Section 483(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

And

In the matter of : **Madhumanti Das**

..... petitioner

Ms. Angana Rakshit, Advocate

Mr. Subham Chanda, Advocate

...for the petitioner

Mr. Avrojoyti Das, Ld. A.P.P.

Mr. Bapi Sarkar, Advocate

Mrs. Madhushri Dutta, Advocate

...for the State

Mr. Anuruddha Biswas, Advocate

Ms. Kanak Mishra, Advocate

...for the opposite party nos.2 to 5

1. The instant application is an application seeking cancellation of bail granted to the private opposite parties in connection with G.R.Case No.865 of 2026 arising out of Women Police Station Case No.90 of 2026 dated May 22, 2026 under Sections 85/79/351(3) of Bharatiya Nyaya Sanhita, 2023.
2. It is submitted by the learned advocate for the petitioner that the petitioner has been misusing the privilege of bail. They are engaged in intimidating the petitioner being released on bail. Learned advocate for the petitioner also submitted that written complaint lodged by the de facto

complainant as well as materials in the charge sheet did disclose the commission of an offence under Section 124(2) of BNS. It is submitted that such section was not added by the investigating agency, no chargesheet was submitted in such section. Even though, there were materials to justify as to the prosecution under Section 124(3) of the BNS. Learned Magistrate did not take cognizance in such section.

3. On the aforesaid ground, the learned advocate for the petitioner submits, that bail granted to the opposite parties should be cancelled.
4. Learned advocate for the private opposite parties submits that there are no materials to justify the allegations made in the application for cancellation of bail. The private opposite parties never misused the privilege of bail nor they have intimidated the de facto complainant after being released on bail. As to the prosecution under Section 124(3) BNS, learned advocate for the private opposite parties submits that the matter cannot be decided in an application for cancellation of bail.
5. Hence learned advocate for the private opposite parties prays for dismissal of the application so filed on behalf of the petitioner.
6. Learned advocate for the State submits a report which be taken on record.

7. It appears that the petitioner lodged a written complaint with the Inspector-in-Charge of Sadar Women Police Station, Cooch Behar on May 21, 2026. In such written complaint, it was alleged by the petitioner that she was married to one of the accused and after such marriage she started residing at her matrimonial house i.e. the house of the private opposite parties. During her stay in her matrimonial house, she was subjected to physical and mental torture by private opposite parties. Her Stridhan properties were also snatched and misappropriated by the private opposite parties. On the basis of such written complaint lodged by the petitioner, Sadar Women Police Station Case No.90 of 2026 dated May 22, 2026 under Sections 85/79/351(3) of the BNS was started against the private opposite parties.
8. Police took up investigation and on completion thereof submitted chargesheet under the aforesaid sections of the BNS. On the basis of the materials in the Case Diary, learned Chief Judicial Magistrate, Cooch Behar took cognizance of the offences.
9. In the meantime, the private opposite parties surrendered before the learned Chief Judicial Magistrate, Cooch Behar and in connection with the aforesaid case and were granted bail by order No.03 dated June 19, 2026 passed in connection with G.R. Case No.865 of 2026. It is this

bail order which has been challenged in the present application for cancellation of bail.

10. The petitioner has come up for cancellation of the bail granted to the private opposite parties on the ground of misuse of privilege of bail. I have gone through the materials placed in the record as well as the report submitted on behalf of the State today.
11. The report submitted by the State indicates that on two occasions, learned advocate for the private opposite parties approached the de facto complainant i.e. the petitioner asking her to withdraw the case. However, the report specifically states that the petitioner i.e. the de facto complainant did not lodge any General Diary or FIR before any police station over the aforesaid two incidents. The report also indicates that there was no history of direct misconduct on the part of the private opposite parties with the de facto complainant after being released on bail. Two incidents appear to have happened on June 21, 2026 and July 6, 2026. On first occasion, the learned advocate for the private opposite parties asked the father of the de facto complainant to withdraw the case and such communication was made in presence of father of the husband of the de facto complainant as well as learned lawyer for the de facto complainant. On second occasion, the learned advocate for the private opposite

parties requested the learned advocate for the de facto complainant for withdrawal of the criminal case.

12. As evident, the instant case is in respect of matrimonial discord between the two families. It has been submitted that there were proposals and counter proposals in this regard to resolve the disputes.
13. Be that as it may, the aforesaid two incidents as evident from the report submitted by State cannot be termed as misuse of privilege of bail extended to the private opposite parties, warranting cancellation of bail of the private opposite parties.
14. In such circumstances, I find no merit in the petition so filed on behalf of the petitioner/de facto complainant.
15. CRM(R) 25 of 2026 stands rejected and accordingly disposed of.

(Md. Shabbar Rashidi, J.)