

20/10/2020
Item No. 47 D/L
S. De (3)

Allowed

Through Video Conference

CRM 8071 of 2020

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Jorabagan** P.S. Case No.117 of 2020 dated 18.07.2020 under Sections 467/468/471/120B of the Indian Penal Code.

Sushmita Chakraborty.
Vs
The State of West Bengal

Mr. Debabrata Acharyya
...for the Petitioner.

Mr. Sudip Ghosh
Mr. A.K. Datta ...for the State.

The petitioner undertakes to affirm and stamp the petition/application as per the Rules within one month of resumption of normal functioning of the Court. The petition is taken up through video conference on the basis of such undertaking.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated. It is submitted that the husband of the petitioner was arrested and granted regular bail. It is further submitted that the dispute is purely civil in

nature and out of malice this proceeding has been initiated by the complainant.

The learned counsel for the State further opposes the prayer for anticipatory bail. It is submitted that a large number of documents have been recovered during investigation which would go to show that the petitioner is directly involved in the commission of the offence.

Having considered the materials on record and the nature and complicity of the petitioner for commission of the alleged offence, we are inclined to grant anticipatory bail of the petitioner however on stringent terms.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.100000/- (Rupees One Lakh only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner shall cooperate with the investigation and shall deposit her passport with the investigating officer.

In the event, she does not have passport she will personally appear and furnish affidavit to that effect to the Investigating Officer within one week from date and she shall not leave the jurisdiction of Jorabagan

Police Station without the express leave of the Investigating Officer.

In the event she fails to comply with the conditions as enshrined hereinabove, the trial court shall be at liberty to cancel her bail automatically without reference to this Court.

The application for anticipatory bail of the petitioner is, thus, allowed.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Aniruddha Roy, J.)

(Soumen Sen, J.)