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17-11-2020

Court 12

Allowed

C.R.M. 8158 of 2020

(Via Video Conference)

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Narayanpur Police Station Case No. 81 of 2020 dated 04.08.2020 under Sections 463/468/120B/420/34 of the Indian Penal Code.

Sushrita Singh
Versus
State of West Bengal

Mr. Abhimanya Shardhya, Adv.
Mr. Shreyash Mohta, Adv.

...for the petitioner.

Mr. Swapan Kr. Banerjee, Adv.
Ms. Sima Biswas, Adv.

...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.

Pursuant to our earlier order, the learned Counsel for the prosecution has submitted that the petitioner has co-operated with the investigation and her statement under Section 161 of the Code of Criminal Procedure has been recorded in which she has admitted unauthorised use of her husband's account through ATM card with the help of other FIR named person, namely, Saikat Sarkar when the complainant was in rehabilitation centre.

In view of the fact that the petitioner has co-operated with the investigation and there is no immediate chance of the petitioner fleeing from justice and the custodial interrogation of the petitioner is not necessary, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on anticipatory bail upon furnishing a bond of Rs. 50,000/- (Rupees

Fifty Thousand only), with two sureties, 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 co-operate with the investigation, failing which this order shall stand recalled.

The application for anticipatory bail is allowed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)