

In Re.: IA No.: CRAN 1 of 2022

In Re: An application under Section 439(1)(b) of the Code of Criminal Procedure, 1973.

In the matter of: Deepra Sarkar

.... petitioner.

Mr. Abhijit Ganguly

... for the petitioner.

Mr. Abhra Mukherjee

Mr. Dipankar Mahata

... for the State.

Petitioner prays for modification of one of the conditions granting anticipatory bail.

Learned Advocate appearing for the petitioner submits that by the order granting anticipatory bail dated December 23, 2020, the Court required the petitioner to deposit her passport. He refers to an offer of employment letter dated July 30, 2021 and submits that the petitioner is working with such organization. Her nature of duties require her to travel abroad for which purpose the passport is required.

Learned Advocate appearing for the State refers to the report dated June 29, 2022. He submits that although the order granting anticipatory bail required the petitioner to cooperate with the investigation, she did not respond to any notices issued to her. He refers to such report and submits that there are criminal cases pending both against the petitioner and the husband relating to cheating pan India. He submits that in the event the petitioner is

allowed to travel abroad, then it is likely that the petitioner will never return.

The report dated June 29, 2022 of the police narrates that the petitioner was not cooperating with the investigation. One of the conditions of granting anticipatory bail to the petitioner was her cooperation. There is, therefore, a failure on the part of the petitioner to comply with the conditions of anticipatory bail granted on December 23, 2020. The police are at liberty to apply for cancellation of anticipatory bail granted on behalf of the petitioner on such ground. There are criminal antecedents so far as the petitioner and her husband are concerned. Her husband is staying abroad. There is substance in the apprehension of the police that permission to travel abroad may result in the absconsion of the petitioner. Therefore, the question of allowing returning the passport does not arise.

IA No.: CRAN 1 of 2022 is rejected.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)