

05.08.2021

Court No.28
Item No.309
(Allowed)

Akd
&
As

CRM 1598 of 2021
(Via Video Conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Uttarpura Police Station Case No. 282 of 2020 dated 16.09.2020 under Sections 420/406/304A of the Indian Penal Code (G.R. Case No. 1240 of 2020);

And

In the matter of : **Mousumi Das.**

...Petitioner

Ms. Minoti Gomes,
Mr. Prodyut Banerjee.

...For the Petitioner

Mr. Swapan Banerjee,
Ms. Purnima Ghosh.

...For the State.

Apprehending arrest in connection with Uttarpura Police Station Case No. 282 of 2020 under Sections 420/406/304A of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail.

The case has been registered on the basis of the complaint lodged by the ex-husband of the petitioner simply on the ground that the property standing in the name of the petitioner actually belongs to him, as he contributed the consideration money. In effect a plea of benami has been taken and the complainant claims to be the real owner and the petitioner as an ostensible owner.

Apparently the dispute is civil in nature and, therefore, we do not find any justification that the custodial interrogation of the petitioner is required.

Accordingly, the prayer for anticipatory bail is allowed.

Accordingly, in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.2,000/-, with two

sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer of the concerned police station and on conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The application for anticipatory bail, being CRM 1598 of 2021 is thus **disposed of**.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)