

20.09.2021
Item no.91
Court No.32.
S.De
(allowed)

(Via Video Conference)

CRM No. 3051 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 26.03.2021 in connection with Baduria Police Station Case No. 176 of 2017 dated 23.03.2017 under Sections 420/409/468/406 of the Indian Penal Code.

And

In the matter of : Manjuwara Bibi @ Sardar Manjura

Khatun @ Manjuara Bibi.

.....Petitioner.

Mr. Satadru Lahiri, Advocate,
Mr. Safdar Azam, Advocate,

.....for the Petitioner.

Md. Anwar Hossain, Advocate,
Ms. Sreyashee Biswas, Advocate,

.....for the State.

The allegation against the petitioner is of defalcation of funds when she was a Panchayat Pradhan and was supervising execution of certain works in her constituency.

The petitioner says that the incident is of 2014. The complaint was lodged belatedly in 2017. There is no material on record which would, even prima facie, indicate the complicity of the petitioner in the alleged incident.

We have seen the material on record. The petitioner is right to the extent that there is nothing on record at the moment which would, prima facie, incriminate the petitioner. Further, charge-sheet has been submitted.

On an overall assessment of the facts and circumstances of the case, the material on record and the possible extent of complicity of the petitioner in the alleged offence, we are of the view that her prayer for anticipatory bail may be allowed.

Accordingly, in the event of arrest, the petitioner namely **Manjuwara Bibi @ Sardar Manjura Khatun @ Manjuara Bibi** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 3051 of 2021 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)

