

13.12.2021
Sl. No.120
akd
[ALLOWED]

C. R. M. 5113 of 2021

[via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 03.08.2021 in connection with Topsia Police Station Case No. 90 of 2020 dated 02.07.2020 under Sections 420/466/467/468/470/406/409/341 of the Indian Penal Code.

And

In Re: **Mahua Das**

... .. Petitioner

Mr. Samim Ahammed
Ms. Saloni Bhattacharyya

... .. for the petitioner

Mr. Rudradipta Nandy

... .. for the State

It is submitted on behalf of the petitioner that there is a matrimonial dispute between the petitioner and the de-facto complainant-husband. Petitioner had lodged a criminal case against the de-facto complainant-husband. In retaliation, the present case is registered. It is also submitted that the business was run jointly by the petitioner and her husband and the allegation of forgery is out and out false.

Learned advocate appearing for the State opposes the prayer for anticipatory bail and submits that the petitioner had unauthorisedly utilised cheques signed by the de-facto complainant and had changed the ownership of the business.

We have considered the materials on record. Trade licence of the business continues in the name of the de-facto complainant-husband. Allegation of forgery is to be assessed in the light of the relationship between the parties as husband and wife and also in the light of the fact that payments were made to the creditors of the firm. In view of the aforesaid facts and circumstances of the case, we are of the

opinion though custodial interrogation of the accused/petitioner may not be necessary in the facts of the present case, she requires to cooperate with the investigation in accordance with law.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely ***Mahua Das***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall cooperate with the investigation as and when necessary and shall appear before the court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus, disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)