

CRM 5803 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nabadwip Police Station** Case No. **208 of 2021** dated **22.05.2021** under Sections **420/406/323/307/354/34** of the Indian Penal Code.

- A n d -

In the matter of : Sri Amal Kumar Saha & Anr.

.... Petitioners.

Mr. D. Mandi,

... For the Petitioners.

Mr. S. Ghosh,
Mr. B. Banerjee,

... For the State.

The petitioners are husband and wife. The allegation is that the petitioner induced the defacto complainant to part with various sums of money from time to time aggregating Rs. 5.20 lacs for the purpose of purchasing Insurance Policy in Kotak Mahindra. However, no such policy was taken out and the money was not returned. The defacto complainant says that this is a pure case of cheating. There are also allegations under Sections 307 and 323 of the Indian Penal Code.

The petitioners say that this is a false complaint. There are claims and counter-claims. The petitioners have a monetary claim against the defacto complainant. Notice was served by the petitioners on the defacto complainant claiming their dues. A civil suit has also been filed. As a counter blast this complaint has been lodged by the victim.

We have seen the material in the case diary including the statement of the victim lady. The thrust of the allegation is against

the petitioner no. 1. *Prima facie* it appears that there may be some substance in the complaint made by the victim. On an overall assessment of the material on record, we are not inclined to allow the prayer of the petitioner no. 1.

Hence, the prayer of the petitioner no. 1 for anticipatory bail is rejected.

So far as the petitioner no. 2 is concerned, *prima facie*, we do not find any incriminating material against her in the case diary. Accordingly, she may be granted anticipatory bail so long as she cooperates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner no. 2, namely, **Smt. Pampi Saha** 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 the event the petitioner fails to adhere to any of the conditions stipulated in Section 438 (2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 5803 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(**Bivas Pattanayak, J.)**

(**Arijit Banerjee, J.)**