

14.12.2021
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SB
Ct. No. 28

CRM 5416 of 2021
(via Video Conference)

In Re : - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Gariahat P.S. Case No. 119 of 2021 dated 30.06.2021 under Sections 120B/170/419/420/467/468/471 of the Indian Penal Code.

AND

In the matter of : Kankabati Ghosh

Ms. Sutapa Sanyal
Mr. Raghunath Ghosh
Ms. Sevanti Roy
Ms. Pritha Ghosh For the Petitioner

Mr. N. Ahmed
Ms. Ayantika Roy ... For the State

It is submitted on behalf of the petitioner that she is the second wife of one Ranajoy Ghosh, since deceased. There is a dispute between the petitioner and the de facto complainant Madhumita Sengupta, daughter out of first marriage of Ranajoy, with regard to his residential property. It is contended a civil suit is pending with regard to the said property situated at 8 Mandeville Gardens, Kolkata 700019 and an order of status quo has been passed in respect of the property. In order to harass the petitioner, the instant false case has been registered.

Learned counsel for the State opposes the prayer for bail and submits that petitioner had dishonestly executed a power of attorney to deal with the property in question in favour of co-accused Sanatan Roychowdhury. On the strength of such document, the accused persons are seeking to dispose of the property in question.

Having considered the materials on record, we note a civil suit is pending by and between the parties over the property in question. The de

facto complainant has sought a decree of eviction against the petitioner. Order of status quo has been passed therein. Inter se claims of the parties in the property in question is to be adjudicated in the pending civil suit. Nothing is placed before us to show that any agreement for sale for valuable consideration has been executed by the petitioner in respect of the property in question.

Under such circumstances, we are of the opinion though custodial interrogation of the petitioner may not be necessary but she requires to co-operate with the investigation as and when necessary.

Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall 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 conditions that the petitioner shall appear before the Court below and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus allowed.

(Bivas Pattanayak, J.)

(Joymalya Bagchi J.)