

21.12.2021
SL No.17
Court No.1
PJ/SK

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

**CRM 1208 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 Siliguri Police Station Case No. 1018 of 2021 dated 13.08.2021 under Sections 406/420/120B of the Indian Penal Code, corresponding to G.R. Case No. 3745/2021.

And

In the matter of : **Smt. Shneha Prasad**

- Petitioner.

Mr. Sandip Mandal,
Mr. Chand Shil,
Mr. Abhilash Mittal

... For the Petitioner.

Mr. Nilay Chakraborty,
Ms. Namrata Das

... For the State.

The learned Counsel for the petitioner submits that the petitioner is no way involved in the commission of the alleged offence as she was not aware of existence of the complainant, who claims to be the wife of Ram Dayal Prasad. It is also submitted that it was not known that Ram Dayal Prasad, since deceased, had married earlier and out of the said marriage four daughters were born. It is further submitted that the petitioner as the legal heir of Ram Dayal Prasad is entitled to beneficiary and other benefits.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail. It is submitted that the complainant has specifically stated that in the month of July, 2021 during her visit to Siliguri, she went to the Union Bank of India to withdraw some amount and on updating the Pension Pass Book, she found Shneha Prasad along with Akash Prasad and Niladry Roy jointly illegally through net banking withdrew huge amount and the beneficiary is the petitioner.

Having regard to the materials available in the Case Diary and the nature of extent and the complicity of the petitioner in the commission of the alleged offence and also having regard to the fact that it is a family dispute, we are of the view that the custodial interrogation of the petitioner may not be necessary. Under such circumstances, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, we direct that in the event of arrest the petitioner, **Smt. Shneha Prasad**, 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 on condition that the petitioner shall cooperate with the investigation and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

This order shall remain valid for eight weeks from this date within which time, the petitioner shall surrender and obtain regular bail from the Learned Trial Court. We make it clear that

the Learned Trial Judge while deciding the application for grant of regular bail shall take a decision independent of the observations made by us in this order.

The application for anticipatory bail, being CRM No.1208 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.

(Biswajit Basu, J.)

(Soumen Sen, J.)