

08.03. 2022

Court No.32
rpan / **22**

CRM (A) 550 of 2022

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure ;

And

In Re.: **Rupjan Bewa Mondal @ Rupj Bibi**
- Petitioner

Mr. Mujibar Ali Naskar,
Mr. Md. Abdul Alim
... for the Petitioner.

Mr. Prasun Kumar Datta,
Mr. Subrato Roy
... for the State.

Mr. Prabhat Srivastava
... for the *De Facto* Complainant.

Apprehending arrest in connection with Hare Street Police Station Case No.376 dated 09.07.2016 under Sections 420/406/423 of the Indian Penal Code, 1860, the petitioner has filed the present application.

Mr. Naskar, learned advocate appearing for the petitioner submits that the petitioner is a lady of 72 years and she has complied with Section 41A notice. The allegations levelled against her are unfounded and in the said conspectus, her custodial interrogation may not be necessary.

Mr. Datta, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, it appears that the dispute has a civil profile. The petitioner has also complied with Section 41A notice. Considering the nature of accusations, her age and the possible extent of her complicity in the alleged offence, we are of the opinion that her custodial detention is not warranted.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the petitioner, namely, **Rupjan Bewa Mondal @ Rupi Bibi** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

It is further directed that the petitioner shall attend the learned court below on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to her bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM (A) 550 of 2022 is, thus, disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)

