

20.01.2022
Item no. 241
Court No.32
Avijit Mitra

C.R.M. 3380 of 2021 (Through Video Conferencing)

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

And

In Re : Smita Bidyanta @ Kashtha

.... petitioner

Ms. Sananda Bhattacharya

....for the petitioner

Mr. Sudip Ghosh,

Mr. Bitasok Banerjee

..... for the State

Apprehending arrest in connection with Santipur Police Station Case No.237 of 2017 dated June 4, 2017 under Sections 420/409/34 of the Indian Penal Code, the present application has been preferred.

Ms. Bhattacharya, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The Customers Service Point opened at Vivekananda Institute of Biotechnology was being operated by her husband namely Sujit Bidyanta, who has already been enlarged on statutory bail. The petitioner is a housewife and has a minor child, who is suffering from 100% mental retardation and there is no one to look after the child. Upon completion of investigation chargesheet has also been submitted and as such, custodial interrogation is not necessary. Let copies of documents relating to disability of the child, as produced, be kept on record.

Mr. Ghosh, learned advocate appearing for the State opposes the petitioner's prayer and submits that there are strong incriminating materials against the petitioner. In support

of such contention he has drawn our attention to the account details and the amount deposited by the customers.

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

Prima facie, it appears that the concerned kiosk was being run by the husband of the petitioner. An amount of Rs.77,02,004/- was credited through the said kiosk. From the complaint lodged by the Chief Manager, State Bank of India dated 15th June, 2017, it appears that the liability to repay the said amount of Rs.77,02,004/-, as deposited by the customers, is guided by the provisions contained in an agreement which was entered into between Vivekananda Institute of Biotechnology and the State Bank of India.

The petitioner is a housewife and has a minor child, who is suffering from mental disability. In view thereof, *prima facie* there is no possibility that she would flee from justice or delay the trial by abscondence.

Upon assessing the role of the petitioner in the backdrop of the above facts and bearing in mind the nature of accusations, we are of the opinion that custodial interrogation of the petitioner is not necessary more so when, upon completion of investigation chargesheet has been submitted.

Accordingly, we direct that in the event of arrest, the petitioner namely, **Smita Bidyanta @ Kashtha**, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The petitioner shall attend the learned Trial Court on all the dates as specified for hearing.

The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for anticipatory bail being C.R.M. 3380 of 2021 is disposed of.

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

(Ajoy Kumar Mukherjee, J.) (Tapabrata Chakraborty, J.)