

17.06.2022

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Allowed

C.R.M. (A) 2742 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Tamluk Police Station Case No. 375 of 2022 dated 10.05.2022 under Sections 420/467/468/471/472/474 of the Indian Penal Code.

And

In Re : Mahua Jana (Paul)

..... petitioner

Mr. Bikash Ranjan Bhattacharya, Sr. Adv.

Mr. Souvik Mitter

Mr. Rajdeep Mazumder

Mr. Moyukh Mukherjee

.....for the petitioner

Mr. Rudradipta Nandy, learned APP

Ms. Eshita Dutta

....for the State

Mr. Golam Mostafa

Mr. Tarasankar Samanta

.... for defacto complainant

It is submitted by the learned Senior Counsel appearing for the petitioner that the petitioner was not aware the educational certificate submitted by her the purposes of promotion was fake.

Learned Counsel appearing for the State opposes prayer for anticipatory bail and submits petitioner had submitted a fake certificate to procure promotion. Investigation with regard to the institute which had issued the certificate is still in progress.

Learned Counsel appearing for the de facto complainant submits husband of the petitioner is one of the directors and

former Chairman of the co-operative society wherein the petitioner was given promotion on the strength of fake certificate.

We have considered the materials on record. Whether the petitioner intentionally procured a fake certificate or was a victim of fraud is required to be assessed in the course of trial. Admittedly, the fake certificate is in custody of the investigating agency. Investigation with regard to the institute which issued the certificate does not require custodial interrogation of the petitioner. We are informed that Mr. Arnab Das who is connected with the affairs of the institute, has already been arrested.

In view of the aforesaid facts and circumstances of the case and extent of complicity of the petitioner in the alleged crime, 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 be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner shall appear before the court below and pray for regular bail within a period of four weeks from date and on further condition that the petitioner shall co-operative with investigation as and when necessary.

This application for anticipatory bail is, thus, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)