

17.06.2022
Sl. No.151
akd
[ALLOWED]

C. R. M. (A) 2845 of 2022

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 08.06.2022 in connection with Watgunge Police Station Case No. 149 of 2020 dated 29.11.2020 under Sections 406/120B of the Indian Penal Code. (C.G.R. Case No.3856 of 2020)

And

In Re: **Smt. Sudeshna Choubey**

... .. Petitioner

Md. Sabir Ahmed
Mr. Arpan Saha

... .. for the petitioner

Mr. Pawan Kumar Gupta
Mr. Anindya Chowdhury
Mr. Sekhar Mukherjee
Ms. Shaily Pandey
Mr. Shreyash Mohta

... .. for the de-facto complainant

Mr. S. S. Imam
Mr. Arabinda Manna

... .. for the State

It is submitted on behalf of the petitioner there is a matrimonial dispute by and between the parties. It is further submitted that the petitioner was subjected to cruelty and driven out of the matrimonial home. In order to cover their misdeeds, the present case has been lodged.

Learned advocate appearing for the State opposes the prayer for anticipatory bail.

Learned advocate appearing for the de-facto complainant also opposes the prayer for anticipatory bail and submits petitioner had misappropriated property.

We have considered the materials on record. There is a matrimonial dispute between the parties. Possibility of false implication on such score cannot be wholly ruled out. In view of the aforesaid facts,

we are of the opinion though custodial interrogation of the accused/petitioner may not be necessary in the facts of the present case, she requires to cooperate with the investigation.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely **Smt. Sudeshna Choubey**, 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 condition that the petitioner shall cooperate with the investigation in accordance with law and shall appear before the court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus, disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)