

25.01.2022

Court No.32
sourav/31

C.R.M. 8802 of 2021

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

And

In re: **Rupa Ghoshal**

- Petitioner

Mr. Arka Pratim Chowdhury,
Mr. Sunny Nandy,
Mr. Tamal Singha Ray

... for the Petitioner.

Mr. Saibal Bapuli, Ld. APP,
Mr. Bibaswan Bhattacharya

... for the State.

Apprehending arrest in connection with Muchipara Police Station Case No. 252 dated 08.12.2019 under Sections 420/120B of the Indian Penal Code, the petitioner has filed the present application.

Mr. Chowdhury, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The principal accused is one Rakesh Roy Chowdhury. No specific overt act has been attributed to the petitioner. There is also no possibility that the petitioner would flee from justice or delay the trial by abscondence. In view thereof, custodial interrogation is not warranted.

He further submits that the petitioner has complied with the notice under Section 41A of the Code.

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

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary,

the nature of accusations and as the petitioner has complied with the notice under Section 41A of the Code, we are of the opinion that custodial interrogation is not necessary moreso when the petitioner is a lady and *prima facie* there is no possibility that she would flee from justice. As such, her prayer for anticipatory bail is allowed.

Accordingly, in the event of arrest the petitioner, namely, **Rupa Ghoshal** 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 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 as 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 cancel their bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM No. 8802 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.

(Kesang Doma Bhutia, J.)

(Tapabrata Chakraborty, J.)