

26.09.2022
KC (135)

C.R.M.(A) 4549 of 2022

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

In the Matter of : Rekha Chatterjee and Anr.
.... petitioners.

Mr. Debojit Samanta,
Mr. Suman Sankar Chatterjee
Mr. Santanu Mmaji.....For the petitioner.

Mr. Arun Kumar Maiti (Mohanty),
Mr. Jasojeet Mukherjee.....For the C.B.I.

The incident is of 2013. The petitioner no. 1 and her husband, are accused.

Mr. Arun Kumar Maity (Mohanty), learned counsel for the C.B.I. submits that involvement of the petitioner no. 1 in the alleged ponzi scam is huge. Investigation has revealed that huge sums of money were diverted into her personal account and mushroom companies were promoted and incorporated by her husband and herself.

Investigation is complete. A charge-sheet and a supplementary charge-sheet have been filed.

On 16th June, 2022, the husband of the petitioner no. 1, Pranab Chatterjee was granted bail. The principal accused was also granted bail on 16th August, 2022.

We only observe that the investigation, the result of which found place in the supplementary charge-sheet, should have been carried out much more speedily. The Central Bureau of Investigation took up the investigation of this case in 2018 but has not arrested the petitioner. If from 2018 the Bureau did not arrest the petitioner, we see no reason why after the above developments custodial interrogation of the petitioner is now required. This is our view in spite of the submission of Mr. Maity (Mohanty) that further investigation is going on.

In those circumstances, we allow this application for anticipatory bail on the following terms:

We direct that in the event of arrest the petitioner no. 1 shall be released on bail on furnishing security of Rs. 10,000/- (Rupees Ten Thousand) with personal release bond of equivalent value to the satisfaction of the arresting officer.

The petitioner no. 1 will also comply with the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

We impose further conditions that:

- (a) The petitioner no. 1 shall immediately deposit her passport, if she has one, with the investigating officer.
- (b) She shall appear before the investigating officer for interrogation as and when summoned.

(c) She shall not leave the limits of the Bardhaman Sadar without informing the investigating officer of the details of her whereabouts.

(d) The petitioner no. 1 shall appear before the court below and pray for regular bail within a period of four weeks from date.

CRM(A) 4549 of 2022 is disposed of.

(I.P. MUKERJI, J.)

(BISWAROOP CHOWDHURY, J.)