

CRM (A) 5123 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Gazole Police Station Case No. 223 of 2022 dated 24.03.2022 under Section 409 of the Indian Penal Code.

-And-

In the matter of : **Lovely Yeasmin**

... ... Petitioner

Mr. Sekhar Kr. Basu, Sr. Advocate

Mr. Kusal Kr. Mukherjee, Advocate

Ms. Suchismita Dutta, Advocate

... ... For the Petitioner

Mr. Saibal Bapuli, Id. APP

Mr. Bibaswan Bhattacharya, Advocate

... ...For the State

Petitioner seeks anticipatory bail.

Learned Senior Advocate appearing for the petitioner submits that subsequent to the earlier order of rejection dated April 12, 2022, the petitioner made over the entirety of the alleged defalcation amount to the authorities.

Learned Advocate appearing for the State does not dispute the contention that the petitioner made over such amount to the authorities. He refers to a report of the Additional District Magistrate dated July 4, 2022.

There are significant change in circumstances subsequent to the earlier order of rejection dated April 12, 2022 which proceeded on the basis that the petitioner was apparently a beneficiary of public money and that the petitioner was yet to return the same. As on date, apparently, the petitioner returned the alleged defalcated amount.

In such circumstances, 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 cooperate with the investigation till the conclusion of the investigation and on further condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner is allowed.

CRM (A) 5123 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)