

24.11.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 5435 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Murutia** Police Station Case No. **211** of **2022** dated **31.08.2022** under Sections 406/420/34 of the Indian Penal Code, 1860.

And

In Re : Rinku Pal

..... petitioner

Ms. Minoti Gomes

Mr. Asraf Mondal

....for the petitioner

Mr. Saibal Bapuli

Mr. Arani Bhattacharya

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner refers to the notice under Section 138 of the Negotiable Instrument Act, 1881 (Act of 1881). She submits that there is no whisper of any amount being paid for the purpose of giving jobs.

Learned advocate appearing for the State draws the attention of the Court to the complaint lodged.

Apparently, there is a dichotomy between the notice issued by the advocate as against the husband of the petitioner under Section 138 of the Act of 1881 and the police complaint against the petitioner. The issue of false implication of the petitioner cannot be overlooked at this stage.

Consequently, we 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/-, 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 further condition that the petitioner shall cooperate with the Investigating Officer till the conclusion of the investigation and on 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)