

02.12.2022
Serial no. 06
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 5546 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Nabadwip** Police Station Case No. **298** of **2022** dated **05.07.2022** under Sections **417/376/420/406/34** of the Indian Penal Code.

-And-

In the matter of : **Joy Saha**

... .. Petitioner

Mr. Prasenjit Debnath,
Ms. Punam Basu, Advocates
... .. *For the Petitioner*

Mr. Arijit Ganguly,
Mr. Avik Ghatak, Advocates
... ..*For the State*

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that there was a relationship between the de facto complainant and the petitioner. The police case is a result of such relationship turning sour. The de facto complainant is married to a different person. Her husband is missing for about 9 years.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement of the de facto complainant recorded under Section 164 of the Criminal Procedure Code.

In her statement recorded under Section 164 of the Criminal Procedure Code the victim claims that she made over a sum of Rs.70,000/- to the petitioner. Moreover, the petitioner took away Identity Card of the de facto complainant as well as the ATM Card.

Learned advocate for the petitioner submits relying upon Bank statement of the mother of the petitioner that, in fact, the de facto complainant received money on behalf of the petitioner. He submits on instructions that, no document of the de facto complainant is with the petitioner.

Apparently, the de facto complainant received money from the mother of the petitioner.

Both the petitioner and the de facto complainant are adults. The de facto complainant is married to a different person.

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 further condition that the petitioner shall report before the Investigating Officer as and when called for 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) 5546 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

