

10.04.2023

Sl.10
Court No.29
(AD)
(Allowed)

C.R.M. (A) 1476 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Berhampore** Police Station Case No.**705 of 2019** dated **19.06.2019** under Sections **419/420/406/323/506/34** of the Indian Penal Code, , 1860.

And

In the matter of: **Rekha Bibi**

....petitioner.

Mr. Soumyajit Das Mahapatra
Mr. Ali Ahsan Alamgir
Ms. Soma Mal

... for the petitioner.

Mr. Saswata Gopal Mukherji, Ld. PP
Mr. Partha Pratim Das
Ms. Eshita Dutta

...for the State.

The application is one of renewal.

Prayer for anticipatory bail was rejected on March 7, 2022.

Petitioner cites a subsequent settlement as the material change in circumstances.

In support of such contention, learned Advocate appearing for the petitioner relies upon an order dated March 13, 2023 passed by the learned Sessions Judge, granting bail to a co-accused. He submits that, there was an agreement between the de facto complainant and the co-accused.

Such agreement was in writing and was seized by the Investigating Officer.

On a query of the Court, learned Advocate for the State draws the attention of the Court to the written agreement forming part of the case diary.

Apparently, a settlement was entered into between the de

facto complainant and the accused.

The complaint relates to a money claim.

In such circumstances, we are of the view that, there is a material change in circumstances in the present case,

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/- (Rupees Ten Thousand Only), with two sureties of like amount each, 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 and on condition that the petitioner will cooperate with the investigation 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.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 1476 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)