

12.06.2023

Sl. 82

Court No. 29

Sourav

(Allowed)

C.R.M. (A) 2193 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Kalyani** Police Station Case No. **502** of **2022** dated **04.09.2022** under Sections **420/406/506** of the Indian Penal Code, 1860.

And

In the matter of: **Shinbani Biswas & Anr.**

....petitioners.

Mr. Shibaji Kumar Das

Ms. Rupsa Sreemani

Mr. S. Bhattacharya

...for the petitioners.

Mr. Rudradipta Nandy, Ld. APP

Mr. Arijit Ganguly

Mr. Sanjib Kumar Dan

...for the State.

1. Heard learned Counsel for the parties.
2. The petitioner no. 1 is the mother and the petitioner no. 2 is the wife of principal accused, namely; Somnath Biswas who has already been enlarged on bail by the learned Trial Court, the order of which has already been confirmed by this Court. Originally the charge-sheet was not filed against the present petitioners. On the basis of complaint made by the informant under Section 173(8) Cr.P.C. further investigation is being taken up against the present petitioners.
3. So far as the connection of the present petitioners in the crime is concerned, there are two pieces of evidence, *viz.*, a) 2 to 3 witnesses have stated that the present petitioners along with Somnath Biswas (principal accused) were alluring the job seekers to get them appointed in AIIMS; b) the money collected by principal accused, Somnath Biswas was being deposited in the joint account standing in the names of the

present petitioners and Somnath Biswas.

4. From the aforesaid materials on record, we do not find any justification for custodial interrogation of the two petitioners who are ladies whom the I.O. in his wisdom did not opt to add as accused.
5. Learned Counsel on behalf of the petitioners also undertakes that the petitioners shall co-operate with the investigation in every possible manner.
6. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, it is directed that the each of the petitioner shall be released on bail in the event of their arrest by the Arresting Officer on such terms and conditions as deemed just and proper in the facts and circumstances of the case in Connection with Kalyani Police Station Case No. 502 of 2022 dated 04.09.2022 including the conditions that i) the petitioners being the ladies shall appear before the I.O for the purpose of investigation as an when required but not after the sunset; ii) they shall produce the documents required by the I.O. if such document is in their custody or possession; and iii) they shall not leave the jurisdiction of I.O. till submission of F.F. without taking leave from the I.O. if such sojourn is for more than 15 days.
7. Within seven days of the receipt of server copy or certified copy of this order, the petitioners are directed to appear before the I.O along with a copy of this order.
8. Accordingly, the prayer for the anticipatory bail is allowed.

9. The application being **CRM (A) 2193 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

