

25.09.2023
M/L 303
Ct. No.29
(Allowed)
(SKB)

CRM (A) 3911 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Anandapur P. S. Case No.114 of 2022 dated 24.06.2022 under Sections 420/406/120B of the Indian Penal Code (G.R. Case No. 2687 of 2022).

In the matter of : Rupali Mondal

... Petitioner

Mr. Sabyasachi Chatterjee,
Mr. Omar Faruk Gazi,
Ms. Bidisha Das

... for the petitioner

Mr. P. K. Datta, ld. APP
Mr. Santanu Deb Roy

... for the State

Mr. Iqbal kabir

... for the defacto complainant

1. Heard learned counsel for the parties.
2. The informant is the friend of the husband of the present petitioner. The husband of the present petitioner has died. During his lifetime, the informant and the husband of the present petitioner had reached to a development agreement for sale of a flat and the informant is stated to have paid Rs.9 lakhs out of 10 lakhs. The said flat is stated to have been mortgaged in 2018 in favour of Bank of Baroda and the agreement between the husband of the petitioner and the informant was executed in December, 2019. It is, therefore, urged before us that there was an element of cheating in executing the above said agreement.
3. It is submitted that as the wife was a party of the agreement, the present petitioner is liable to compensate the informant and, therefore, the present FIR has been lodged against her.

4. It is fairly submitted at the Bar that over the selfsame subject a suit is pending before the competent civil court.
5. From the materials on record, we find that the present petitioner was in no way connected with the alleged crime between the informant and the husband of the present petitioner though money was taken in the joint account of the present petitioner and her husband. Above all, a civil suit is pending before the competent civil court, which would go into the matter in detail.
6. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation and substantial progress in investigation, it is directed that the petitioner shall be released on bail by the Arresting Officer in the event of her arrest in the G.R. Case No.3687 of 2022 arising out of the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the condition:
 - i) The petitioner being a lady is directed to appear before the IO for the purpose of investigation as and when required from sunrise to sunset.
7. Accordingly, the prayer for the anticipatory bail is allowed.
8. Within 21 days from today petitioner is directed to appear before the I.O. along with a server copy or certified copy of this order.
9. The applications being CRM(A) 3911 of 2023 is disposed of.
10. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)