

29.09.2023
Sl. No.56
akd
[ALLOWED]

C. R. M. (A) 4141 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 11.09.2023 in connection with New Alipore Police Station Case No. 15 of 2023 dated 04.02.2023 under Sections 404/420/466/467/468/471/120B of the Indian Penal Code. (C.G.R. Case No.363 of 2023)

And

In Re: **Smt. Arati Ghosh @ Smt. Arati Ghose**

... .. Petitioner

Mr. Debasis Ray
Mr. Sujan Chatterjee

... .. for the petitioner

Mr. Prasun Kumar Datta .. Id. Addl. Public Prosecutor
Mr. Nirupam Dhali

... .. for the State

1. Petitioner is a nonagenarian lady.
2. It is submitted on behalf of the petitioner that there is a civil dispute between the parties. A civil suit is pending. Allegations of cheating and forgery have been fabricated to give the dispute a criminal profile. Co-accused has been granted pre-arrest bail. Accordingly, she prays for anticipatory bail.
3. Learned Advocate for the State produces the case diary.
4. We have considered the materials on record. A civil dispute is pending between the parties. De-facto complainant has filed a title suit which is pending before the appropriate court. Under such circumstances, a coordinate Bench of this court granted pre-arrest bail to co-accused. Petitioner is an elderly lady and is entitled to similar relief.
5. Accordingly, we direct that in the event of arrest, the accused/petitioner, namely **Smt. Arati Ghosh @ Smt. Arati Ghose**, be released on bail upon furnishing a personal bond to the

satisfaction of the arresting officer and also 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 appear before the court below and pray for regular bail within four weeks from date.

6. The application for anticipatory bail is, thus, disposed of.

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)