

10.01.2024

Serial no. 48
Anticipatory bail
[Rejected]
Dd

CRM (A) 58 of 2024

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Wadala (T.T. Station)** CR No. **50** of **2023 FIR registered** dated **09.09.2023** under Sections **406/420/408/465/467/468/471/34** of the Indian Penal Code, 1860.*

-And-

In the matter of : **Smita Agarwal**
... ..**Petitioner**

Mr. Abhijit Kumar Chattopadhyay, (via VC),
Mr. Ambu Bindu Chakraborty,
Mr. Debojyoti De, Advocates
... .. For the Petitioner

Mr. Debasish Roy, PP
Ms. Eshita Dutta, Advocates
... ...For the State

Petitioner prays for transit anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner is a resident of Kolkata. Petitioner was served with a notice dated December 8, 2023 by the police at Mumbai in relation to a police complaint relating to husband of the petitioner. Petitioner is no way connected with such police complaint. Petitioner participated in the investigation and appeared before the relevant Investigating Officer at least five times along with her husband.

We perused the materials in the application.

We find that, a police complaint was lodged as against the husband of the petitioner for defalcation of money in excess of Rupees 31 crores.

Apparently, in course of investigation, the Investigating Officer found that the husband of the petitioner stated that such money was taken towards the business of the petitioner. Moreover, the husband of the petitioner stated that, the petitioner was doing business and that such places of business were in Nigeria, Ghana amongst other countries.

Huge money is involved. Husband of the petitioner made statement against the petitioner.

In such circumstances, we are unable to grant transit anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is **rejected**.

CRM (A) 58 of 2024 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)