

09.04.2024
Item No.90
AD/SD
Court No.28
(Allowed)

C.R.M. (A) No. 1173 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bidhannagar (South)** Police Station Case No. **306 of 2023** dated **15.12.2023** under Sections **468/471/420/406/120B** of the Indian Penal Code, 1860 presently pending before the Learned Additional Chief Judicial Magistrate, Bidhannagar, North 24 Parganas. (G.R. Case No.1289 of 2023)

And

In Re : Ajanta Mitra

..... petitioner

Mr. Sujoy Sarkar
Ms. Nilanjana Adhya
Ms. Bishalaxmi Ghosh
Mr. Rahul Chachan

.....for the petitioner

Mr. Madhusudan Sur, Ld. APP
Mr. Shiladitya Banerjee

....for the State

Mr. Anirban Guhathakurata
Ms. Koel Mukherjee
Mr. Anurag Sardar
Mr. Mahfuz Murshed
Mr. Sayan Mukherjee

... for the de facto complainant.

1. Petitioner is the wife of the principal accused. She submits she is a mere name lender and did not make false representation to the de facto complainant. She prays for anticipatory bail.
2. Learned Lawyers for the State and de facto complainant submits principal accused has absconded. He had dishonestly entered into a sale agreement and induced the de facto complainant to pay an advance over Rs.26 lacs.

3. We have considered the materials on record. Petitioner is the wife of the principal accused. It is alleged that the principal accused had mortgaged the property earlier. Suppressing this fact, he entered into a sale agreement with the de facto complainant and induced him to part with a substantial sum of money.
4. Be that as it may, keeping in mind the extent of complicity of the petitioner in the crime, we are of the opinion custodial interrogation of the petitioner is not necessary but she is required to cooperate with the investigation in accordance with law.
5. Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that she shall appear before the jurisdictional Court and pray for regular bail within a period of four weeks from date and on further condition that she shall cooperate with the investigation in accordance with law.
6. The prayer for anticipatory bail of the petitioner is allowed.
7. **C.R.M. (A) No. 1173 of 2024** is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)