

24.06.2024

Court No.29

Item No. 32

Allowed

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CRM (A) 1954 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Shakespeare Sarani Police Station (D.D) Case No. 06 of 2024 dated 10.01.2024 corresponding to G.R Case No. GR(S) 45 of 2024 under Sections 420/406/465/467/468/471/120B of the Indian Penal Code.

And

In Re: **Sangeeta Sinha & Anr.**

Petitioners

Mr. Debasis Kar
Mr. Subhajit Chowdhury

For the Petitioners

Ms. Anasuya Sinha
Mr. Soumya Basu Roy Chowdhury

For the State

Mr. Somnath Mukherjee

For the De-facto Complainant

1. The petitioner no. 1 is the wife of Biswajit Sinha and the petitioner no. 2 is the mother of Biswajit Sinha. The Biswajit Sinha is presently absconding. The allegation is that Biswajit Sinha fraudulently obtained loan of Rs. 62 lakhs against mortgaged of a property without disclosing that the said property was already mortgaged at the relevant time.
2. Learned counsel for the petitioners submits that the petitioners are no way connected with the said transactions and a case under Section 138 of the Negotiable Instruments Act against Biswajit and the present petitioners is pending and in that proceeding, the petitioners are on bail.
3. Learned counsel for the State in opposing the prayer for anticipatory bail has submitted that the petitioner no. 1 was a co-applicant and a sum of Rs.5 lakhs has been credited to her bank account, although the said

amount ought to have been credited to the account of the prospective seller.

4. Considering the materials available in the case diary, the nature of involvement of the petitioners in the commission of the alleged offence and prima facie it appears that Biswajit Sinha could be the mastermind, we are of the view that custodial interrogation of the petitioners is not necessary.
5. Accordingly, we direct that in the event of arrest, the petitioners namely, **Sangeeta Sinha and Reba Sinha** shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, subject to cooperate with the investigation and furnish all documents that may be asked for in this regard to I.O. The petitioners also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioners shall not leave the jurisdiction of Kolkata till the submission of the final report. During the period of the investigation, **Sangeeta Sinha** shall reside at Kolkata or at the place where **Reba Sinha** is presently residing and shall furnish all her details regarding her present address to the I.O. Both petitioners shall surrender their pass-ports, if any, with the I.O. In the event they do not have any pass-port, they shall file affidavit to that effect before the I.O. The petitioners shall appear before learned Chief Metropolitan Magistrate, Calcutta within two weeks from date. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.

6. Accordingly, the prayer for anticipatory bail of the petitioners is allowed and the same is accordingly disposed of.
7. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Uday Kumar , J)