

14.08.2024
SL No.39
Court No.29
(gc)
(Allowed)

CRM (A) 2775 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Sagarpara Police Station Case No.331 of 2022 dated 07.12.2022 under Sections 406/420/120B of the Indian Penal Code.

And

In the matter of : **Sushmita Pramanik @**
Susmita Mandal Pramanik

- Petitioner.

Ms. Shabana Hasin

....For the Petitioner.

Mr. Manas Kumar Das

....For the De facto Complainant.

Mr. Partha Pratim Das

Mr. Karan Bapuli

... For the State.

1. Heard the learned Counsel for the parties.
2. The learned Counsel for the petitioner submits that the son of the petitioner is suffering from Thalasemia and since she was busy with the treatment of her only child, timely deposit of the amount collected from the de facto complainant could not be deposited with the State Bank of India. She, however, admits that she is the owner of CSP, Khairamari SBI Branch. It is submitted that she has returned the entire amount received from the de facto complainant.
3. The learned Counsel for the de facto complainant submits that the entire amount received by the petitioner has been returned to the de facto complainant in the meantime.
4. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of the alleged offence, the nature of allegations and having regard

to the fact that the entire amount has been returned to the de facto complainant, we are of the view that custodial interrogation of the petitioner is not necessary.

5. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Sushmita Pramanik @ Susmita Mandal Pramanik**, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, 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 corresponding to Section 482(2) of the BNSS, 2023 and the petitioner shall cooperate with the investigation till the submission of the final report.
6. It is also directed that the petitioner shall not leave the Police Station Sagarpara without the permission of the Investigating Officer except for the purpose of meeting the I.O. and/or attending the Court till the submission of the final report.
7. It is further directed that the petitioner shall appear before the learned Chief Judicial Magistrate, Berhampore, Murshidabad in connection with G.R. Case No.5390 of 2022 within two weeks from date.
8. Accordingly, the application for anticipatory bail is disposed of.
9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)