

20.08.2024

Court No.29

Item No.42

Allowed

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CRM (A) 2887 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 in connection with Dumdum Police Station Case No. 272 of 2024 dated 21.07.2024 corresponding to G.R Case No. 4886 of 2024 under Sections 318(4)/316(2) of the Bharatiya Nyaya Sanhita.
And

In Re: **Smt. Jayita Bhattacharya**

Petitioner

Ms. Sreparna Dad
Mr. Rahul Mukherjee

For the Petitioner

Mr. Bitashok Banerjee
Ms. Pritha Paul

For the State

Mr. Aditya Bikram Mahato
Mr. Smartajit Sarkar
Mr. Suman Bhanja

For the De-facto Complainant

1. The petitioner is one of the partners of Zeneith Enterprise. The other partner and the husband of the present petitioner are presently in custody.
2. Learned counsel for the petitioner submits that the petitioner is innocent and is not aware of any transaction with which she has now been implicated in the instant case.
3. Learned counsel for the State and the de-facto complainant have opposed the prayer for anticipatory bail. It is submitted that the petitioner is a partner and the partnership firm received the entire consideration amount for the sale of a flat, but it now transpires that the said flat has been sold to a third party. The said amount was also not refunded.

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 and prima facie it appears that the involvement of the petitioner is likely to be passive in nature and also having regard to the fact that the husband of the petitioner is in custody along with one of the partners, 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, **Smt. Jayita Bhattacharya** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner shall meet the I.O once in a week till the submission of the final report and shall not leave the jurisdiction of Dumdum police station without the leave of the I.O till the submission of the final report and on further condition that the petitioner shall appear before the learned Additional Chief Judicial Magistrate, Barrackpore, North 24 Parganas, 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 petitioner 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)

