

05.09.2024
AD-04
Court No.29
TN
(Allowed)

CRM (A) 2899 of 2024

In Re:- An application under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Naihati Police Station Case No. 172 of 2024 dated 18.06.2024 under Sections 419/420 IPC, 1860.

And

In the matter of: **Jayshree @ Joyshri Jaiswal and another**
.... petitioners

Mr. Shibaji Kr. Das,
Mr. Dipyendu Sarkar,
Ms. Deblina De

....for the petitioners

Mr. Sanjoy Bardhan,
Mr. Mirza Firoj Ahmed Begg

....for the State

1. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated. It is further submitted that the petitioners have cooperated with the investigation. The learned counsel for the petitioners has produced a copy of the seizure list dated 4th September, 2024 in order to show that all relevant documents have been seized by the Investigating Officer on that date. It is further submitted that a loan amount of Rs.5.50 lakh was taken during the Covid period. It was a friendly loan.
2. The learned counsel for the State in opposing the prayer has submitted that although the petitioners have met the Investigating Officer and certain documents have been seized

but they could not offer any explanation for the entire loan transaction mentioned in the FIR.

3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence and the relevant documents have already been seized by the police during the investigation in which the petitioners had participated and cooperated and *prima facie* there is no evidence of cash payment, we are of the view that the custodial interrogation of the petitioners is not necessary.
4. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Jayshree @ Joyshri Jaiswal** and **Rittik @ Hritik Jaiswal @ Happy** respectively shall be released on bail upon furnishing a bond of Rs.20,000/- each, 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.
5. The petitioner no.1 shall meet the Investigating Officer as and when required following the norms of the female accused and the petitioner no.2 shall meet the Investigating Officer as and when required.
6. It is further directed that the present accused petitioners shall appear before the learned Additional Chief Judicial Magistrate, Barrackpore, District-North 24 Parganas within two weeks from date.

7. Accordingly, the application for anticipatory bail is disposed of.
8. A copy of the seizure list produced is kept on record.
9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Shampa Dutt (Paul), J.)