

27.09.2024
SL No.20
Court No.29
(gc)
(Allowed)

CRM (A) 3463 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Criminal Procedure Code, 1973 read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Nabadwip Police Station Case No.265 of 2023 dated 25.05.2023 under Sections 420/406/34 of the Indian Penal Code.

And

In the matter of : **Kanika Dey & Anr.**

- Petitioners.

Mr. Abhijit Ganguly,
Mr. Shiladitya Banerjee

....For the Petitioners.

Ms. Sayanti Santra,
Mr. Rahul Ganguly

... For the State.

1. The learned Counsel for the petitioners submitted that a charge-sheet has been filed in which the name of the petitioner no.2 has not been included.
2. Accordingly, the prayer for anticipatory bail of the petitioner no.2 stands dismissed as withdrawn.
3. Insofar as the petitioner no.1 is concerned, it is submitted that the son of the petitioner no.1 has realized the amount from the seller and no amount has been received by the petitioner no.1. The relationship between the petitioner no.1 and her son has been strained.
4. The learned Counsel for the State has produced the case diary wherefrom it appears that a notarized sale agreement appears to have been executed between the parties.
5. Considering the materials available in the case diary and that the Investigating Officer has seized all the required documents and also having regard to the nature and extent of complicity of the

present petitioner in the commission of the alleged offence and that the petitioner no.1 is an elderly lady and a senior citizen and, moreover, the charge-sheet has already been filed, we are of view that custodial interrogation of the petitioner no.1 is not necessary.

6. Accordingly, we direct that in the event of arrest, the petitioner no.1 namely, **Kanika Dey**, shall be released on bail upon furnishing a bond of Rs.5,000/-, with two registered sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Cr.P.C., 1973 corresponding to Section 482(2) of the BNSS, 2023.
7. It is also directed that the petitioner no.1 shall appear before the learned Judicial Magistrate, Nabadwip, Nadia in connection with G.R. Case No.258 of 2023 within 10 days 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.)