

25.11.2024
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as
[ALLOWED]

C. R. M. (A) 3869 of 2024
(PONZI)

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bhadreswar Police Station Case No. 233 of 2014 dated 13.07.2014 under Sections 420/406/409/468/471/120B of the Indian Penal Code.

In Re: ***Nabanita Maity @ Nabanita Saha.***

... ... Petitioner

Mr. Sanat Kr. Das,
Mr. Sujan Chatterjee,
Mr. Rohan Bavishi.

... ... for the petitioner

Mr. Rudradipta Nandy, Ld. A.P.P.,
Ms. Manasi Roy.

... ... for the State

1. Petitioner submits she is the sister of the principal accused i.e. Managing Director of the Company. She has co-operated with investigation. Investigation is complete. Accordingly, she prays for anticipatory bail.

2. Learned Advocate for the State opposes the prayer for anticipatory bail. He submits petitioner was an office assistant of the Company which was involved in inducing depositors to make deposits on the false promise of giving high returns.

3. We have considered the materials on record. Involvement of the petitioner was ministerial in nature. She was neither one of the Directors nor was she involved in diverting funds deposited in the Company. She was always available for investigation and did not abscond. But upon filing of police report, learned Magistrate mechanically issued warrant of arrest which does not satisfy the tests laid down in ***Siddharth Vs.***

***State of Uttar Pradesh & Anr¹ and Satender Kumar Antil
Vs. CBI & Anr².***

4. Accordingly, we are inclined to grant anticipatory bail to her.

5. Accordingly, we direct that in the event of arrest, the petitioner viz., ***Nabanita Maity @ Nabanita Saha*** be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 482(2) of BNSS. She shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

6. The application for anticipatory bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

¹ (2022) 1 SCC 676

² (2022) 10 SCC 51