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C.R.M. (A) No. 4493 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Berhampore Police Station Case No. 1619 of 2024 dated 18.10.2024 under Sections 126(2)/115(2)/117(2)/3(5) of the BNS.

And

In Re : Maitri Dutta petitioner

Mr. Phiroze Edulji, Sr. Adv.

Ms. Sanjana Saha

.....for the petitioner

Mr. Bitasok Banerjee

Mr. Aslam Parvez

.....for the State

1. Learned Senior Advocate for the petitioner submits she had business transactions with one Ananda Dutta who is running a nursing college named and styled as 'Astha Nursing College'. Due to commercial disputes and out of grudge, Ananda Dutta instituted a criminal case being Berhampore Police Station Case No. 1595 of 2024 dated 16.10.2024 against the petitioner. In the said case petitioner has been granted anticipatory bail. Thereafter, Ananda Dutta has set-up the *de facto* complainant to lodge a similar case against the petitioner. Accordingly, she prays for anticipatory bail.

2. Learned Counsel for the State opposes the prayer for anticipatory bail and submits petitioner had assaulted the *de facto* complainant on 11.10.2024. This incident is independent of the assault on Ananda Dutta on 13.10.2024 which is the subject matter of the earlier case.

3. We have considered the materials on record. Admittedly there are monetary disputes between the petitioner and Ananda Dutta. Over this issue a number of criminal cases have been registered. In one of such cases i.e. Berhampore Police Station Case No. 1595 of 2024 dated 16.10.2024 petitioner has been granted anticipatory bail. In the present case it is alleged petitioner had assaulted the *de facto* complainant in course of altercations regarding payment of dues payable to Ananda Dutta. Injury suffered by the *de facto* complainant is not grievous. Possibility of false implication owing to prior enmity with Ananda Dutta cannot be ruled out. Accordingly, we are of the opinion custodial interrogation for progress of investigation is not necessary but petitioner requires to co-operate with investigation in accordance with law.

4. Accordingly, we direct that in the event of arrest the petitioner shall 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 be subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita and on condition that she shall appear before the jurisdictional court and pray for regular bail within a period of four weeks from date.

5. The application for anticipatory bail is, thus, allowed.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)

