

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

04.04.2024
Court No.01
rpan/ 04

CRM (A) 152 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re: Smt. Krishna Maya Chettry @ Chhetri & Others

- Petitioners

Mr. Arnab Saha
...for the Petitioners.

Mr. Saikat Chatterjee,
Mr. Chattu Roy
...for the State.

Apprehending arrest in connection with Kumargram Police Station Case No.214 of 2023 dated 21.10.2023 under Sections 465/467/468/471/120B of the Indian Penal Code, the present application has been preferred.

Mr. Saha, learned advocate appearing for the petitioners submits that the dispute is civil in nature and the petitioners, who are the lady members of the family, have been falsely implicated. The petitioner no.1 approached the learned Civil Court and obtained an interim injunction on 16th November, 2023. Upon completion of investigation chargesheet has already been submitted and as such, custodial interrogation of the petitioners may not be necessary.

Mr. Chatterjee, learned advocate appearing for the State opposes the petitioners' prayer and submits that the ingredients of Section 468 of the Indian Penal Code are clearly attracted. A fraud has been practised. There are strong incriminating materials

on record against the petitioners and in view thereof, their prayer for anticipatory bail needs to be refused.

Upon hearing the learned advocates appearing for the respective parties and considering the materials on record, the nature of allegations and the extent of complicity of the petitioners, who are the lady members of the family, in the alleged offence, we are of the opinion that their custodial interrogation may not be necessary, moreso when upon completion of investigation chargesheet has been submitted and there is no reasonable apprehension that they would flee from justice.

Accordingly, we direct that in the event of arrest the petitioners, namely, **Smt. Krishna Maya Chettry @ Chhetri, Smt. Gyan Kumari Chettry @ Gen Kumari Chhetri** and **Smt. Manomaya Chettry @ Chhetri** shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further condition that they shall attend the learned trial court on all the dates as fixed for hearing.

It is further directed that the petitioners shall not influence the witnesses and/or tamper with the evidence in any manner whatsoever.

It is made clear that in the event the petitioners fail to comply with any of the aforesaid directions, without justifiable cause, the

learned Court below shall be at liberty to cancel their bail without any further reference to this Court.

The application for anticipatory bail, being CRM (A) 152 of 2024, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Biswaroop Chowdhury, J.)

(Tapabrata Chakraborty, J.)