

CRM No.2829 of 2021

Via video conference

31.05.21

(S.R.)

Sl.52

Ct.28

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **New Town** Police Station Case **No.38 of 2021** dated **10.02.2021** under Sections **420/406** of the Indian Penal Code;

And

In re: Swati Biswas

... petitioner.

Mr. Anup Kanti Poddar

... for the petitioner.

Mr. Saibal Bapuli

Mr. Swapan Banerjee

Mr. Sanjib Kr. Dan

...for the State.

Mr. Poddar, learned advocate appearing for the petitioner submits that the petitioner is employed under the Ministry of Home Affairs, Government of India and is presently posted at Calcutta. She is residing along with her minor daughter and her mother, who is aged about 73 years of old. She has been falsely implicated and the complaint lodged by her father was registered as FIR on the basis of an order passed in an application under Section 156(3) of the code. There are no incriminating materials against the petitioner and in the said conspectus, custodial detention of the petitioner is not necessary.

Mr. Bapuli, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary.

We have heard the learned advocates and perused the materials in the case diary. *Prima facie*, the materials do not disclose any direct involvement of the petitioner in the alleged offence. It appears that there is a family dispute amongst the parties. Previously, a complaint was lodged by the petitioner's mother against another daughter with whom the *de facto* complainant is residing.

In the said conspectus and considering the nature of allegations

and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation of the petitioner is not warranted in the facts and circumstances of the case.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Swati Biswas**, shall be released on bail upon furnishing a bond of Rs.10,000/- 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.

Accordingly, the application for anticipatory bail being CRM No.2829 of 2021 is allowed.

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

(Shampa Sarkar, J.)

(Tapabrata Chakraborty, J.)