

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

31.08.2023

Item no.11
Court No.01
P.P./S.D.

CRM (A) 708 of 2023

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

And

**In Re : Sikha Bhattacharya @ Sikha Bhattacharjee
& Anr.**

.... Petitioners

Mr. Sanjoy Mazoomder
Ms. Sukanya Adhikary
....for the petitioners

Mr. Abhijit Sarkar,
Mr. Chattu Roy
..... for the State

Apprehending arrest in connection with Alipurduar Police Station Case No.50 of 2023 dated 19.2.2023 under Sections 406/420/34 of the Indian Penal Code, 1860, the present application has been preferred.

Heard the learned Advocates and considered the materials in the case diary. The dispute occurred since the son of the petitioner no. 1 did not repay an amount of Rs.13,50,000/- taken as a loan from the defacto-complainant. As regards the acceptance of the loan, the son of the petitioner no. 1 executed two receipts on 29.12.2021 and on 30.12.2021.

Prima facie, no specific overt act has been attributed to the petitioner no. 1, who is the mother of the principal accused

and the petitioner no. 2 who is the married sister of the principal accused.

Both the petitioners are lady members of the family and *prima facie* there is no possibility that they would flee from justice.

In the said conspectus, we are of the opinion that custodial interrogation of the petitioners is not necessary.

Accordingly, we allow the prayer for anticipatory bail of the petitioners.

We direct that in the event of arrest, the petitioners namely, **Sikha Bhattacharya @ Sikha Bhattacharjee** and **Purnima Bhattacharya** be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) 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 direction that they shall extend all cooperation to the Investigating Officer.

The application for anticipatory bail CRM (A) 708 of 2023 is disposed of.

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

(Lapita Banerji, J.)

(Tapabrata Chakraborty, J.)

