

Court of Additional Sessions Judge-IX, Dhanbad
A.B.P. No. 3082/2022
(Arising out of Tetulmari PS Case No. 33/2022)
CNR No. JHDH01-100-10443-2022

25.11.2022 Apprehending her arrest in connection with Tetulmari PS Case No. 33/2022 u/s 341, 448, 323, 379, 420, 504, 506/34 of IPC pending in the court of Ld. M.Z. Tara, JMFC, Dhanbad. Petitioner Mamta Kumari @ Mamta Singh has filed this petition for protection of Anticipatory bail.

Copy of anticipatory bail petition was served to learned P. P. Case diary was called for and has been received.

The case of prosecution in brief is that the informant namely Sudesh Bhuiya given a computer typed application before Tetulmari O.C. alleging therein that before the six year he has taken Rs. 70,000/- from Sunil Singh. He returned the entire money with interest, but Sunil Singh says you did not return full money, you give me ATM, Pass Book and Cheque book and I will withdraw the money. He said to Sunil Singh that he returned all money so he will not give ATM Card, Pass Book and Cheque book. On saying this Sunil Singh, Sunil Singh's wife Mamta Singh started quarreling with him and took his signed cheque book and ATM and threatened that if you go to the police

station then you will be killed and your family will be thrown away. Sunil Singh gave him Rs. 3000/- Rs. 4000/- and they had withdrawn his full salary by ATM and cheque Book and on 21.09.2021 Sunil Singh took him to Bank after administering liquor they have obtained 15 lacs loan in his name and taken the amount.

At the time of hearing learned counsel for the petitioner submitted that she is innocent and has not committed any offence as alleged by the informant and she has been falsely implicated in this case. Petitioner is housewife and to create pressure upon the husband of the petitioner, false motivated case has been instituted. There is inordinate delay in lodging FIR. That there is no iota of evidence to show that there was any transfer of money in the account of the petitioner or misappropriation of money of the informant by the petitioner. No bank statement is enclosed with the FIR. Petitioner never went to the house of the informant, nor have assaulted Malti Devi nor have taken cheque book, pass book, ID Card etc., or have caused any wrongful loss to the informant. Petitioner wants to grab the friendly loan amount taken from husband of this petitioner and hence to create pressure this false case has been filed. There is no independent witness nor any local person is made witness to this alleged occurrence. Petitioner is local woman and she is ready to

furnish sureties as per the satisfaction of Court. Prayer has been made for grant of anticipatory bail to petitioners.

Learned P.P. has not opposed the prayer for anticipatory bail.

Heard both sides and perused the case record. In course of investigation I.O. has stated in paragraph 33 that from SBI Account No. 30453272895 of Sudesh Bhuiyan by cheques amount Rs. 6500/- 30000/-, 26500/-, 40000/- 23000/-, 6000/- and 27000/- were withdrawn by Mamta Kumari. These transactions have been shown verified by the bank and copy of Statement has been enclosed. It has further been shown that at several times money was withdrawn from ATM and withdrawal slips. CCTV footage recording regarding withdrawal of money from ATM has been enclosed in C.D. with the case diary. Matter is still under investigation. Considering documentary evidences collected in case diary and serious allegations I find that case of this petitioner Mamta Kumari @ Mamta Singh is not a fit case for protection of anticipatory bail. Therefore prayer of petitioner Mamta Kumari @ Mamta Singh for protection of anticipatory bail stands rejected.

Let a copy of this order be sent to the court of Ld. M.Z. Tara, JMFC, Dhanbad for information and needful in connection with Tetulmari PS Case No. 33/2022.

Record will be deposited in Record Room.

(Dictated)

Sd/-
(Prabhakar Singh)
J.O. Code JH0469
Addl. Sessions Judge IX
Dhanbad