

08.09.2020
SL No. 58
ss

**CRM 6229 of 2020
With
CRAN 1 of 2020
(OLD CRAN 4739 of 2020)**

(Through Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Banshihari P.S. Case No.32 of 2020 dated 25.02.2020 under sections 409/420/120B of the Indian Penal Code read with sections 13(1)(a)/13(2) of the Prevention of Corruption Act.

And

In the matter of: Dhamal Roy

Mr. Arnab Ray

... ... for the Petitioner.

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

... ... for the State.

Petitioner undertakes to affirm and stamp the petition/application as per Rules within one month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

It is submitted by the petitioner that the alleged defrauded amount has been refunded.

It is submitted on behalf of the State that prayer for anticipatory bail of the co-accused Alope Kumar Guha was turned down.

In rebuttal, learned lawyer for the petitioner submits that there are outstanding dues so far as Alope Kumar Guha is concerned and he stands on a different footing from the said co-accused.

We have considered the materials on record. We note that the alleged dues of the petitioner have been refunded. Hence, he does not stand on the same footing with co-accused Alope Kumar Guha against whom there are outstanding dues as noted at page 35 of the petition.

Hence, petitioner stands on a different footing from the co-accused Aloke Kumar Guha.

In view of the aforesaid facts, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner namely, Dhamal Roy be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall meet the investigating officer once in a week until further orders.

Accordingly, application for anticipatory bail being CRM 6229 of 2020 is disposed of.

The application being CRAN 1 of 2020 (Old CRM 4739 of 2020) is disposed of.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)