

14.09.2020

Court No. 16  
Item No. 31  
abhar/bdatta

**CRM 6345 of 2020**  
**With**  
**CRAN 1 of 2020**  
**(Via Video Conference)**

(antibail - allowed)

In Re: An application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with Beldanga Police Station Case No. 590 of 2019 dated 22.12.2019 under Sections 467/468/417/420 of the Indian Penal Code.

**and**

In the matter of: **Tapas Dey**

..... Petitioner

**Ms. Manali Biswas**

.....for the Petitioner

**Mr. Bidyut Kr. Roy**

**Ms. Rita Datta.**

..... for the State

The learned advocate for the petitioners undertakes to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

The application being CRAN 1 of 2020 is accordingly disposed of.

The learned advocate for the petitioner submits that the instant case was initiated under Section 156(3) of the Code of Criminal Procedure and there is a civil suit for partition pending between the parties. The learned advocate further submits that the present case is one where the civil proceedings have been given a cloak of criminal proceedings and as such, custodial interrogation of the petitioner for the sake of investigation is unwarranted.

The learned advocate appearing for the State opposes the prayer for anticipatory bail and submits that the investigation is in progress and the custodial interrogation of the petitioner is required.

We have taken into account the materials on record as also the

nature of offence and on consideration of the same, we are of the opinion that the custodial interrogation of the petitioner is not required for the sake of investigation of the case. Accordingly, the prayer for anticipatory bail is allowed.

Therefore, we direct that in the event of arrest, the petitioner 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application being **CRM 6345 of 2020** is **allowed**.

**(Tirthankar Ghosh, J.)**

**(Harish Tandon, J.)**