

10.09.2020

CRM 6401 of 2020
IA No. CRAN 1 of 2020

Court No.8

(Via Video Conference)

Item 32

sg

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Jorabagan Police Station Case No. 183 of 2019 dated 18.11.2019 under Sections 406/420/120B of the Indian Penal Code.

Allowed

Hemant Agarwal
Versus
The State of West Bengal

Mr. R. Sarkar, Adv.
Mr. Soumya Nag, Adv.

...for the Petitioner.

Mr. Pawan Kr. Gupta, Adv.
Mr. Manish Shukla, Adv.

... for the de-facto complainant

Mr. Nguive Ahmed, Adv.
Mr. Narayan Prasad Agarwal, Adv.

...for the State.

The petitioner undertakes to affirm and stamp the petition/application as per the Rules within a month of resumption of normal functioning of the court. Subject to such undertaking, the application is taken up through video conference.

CRAN 1 of 2020 is accordingly disposed of.

It is submitted on behalf of the petitioner that he has is a former partner in a family partnership business. The business has since been dissolved and instead of filing a suit for settlement of accounts, the instant criminal case has been belatedly instituted.

Learned lawyer for the de-facto complainant submitted that the petitioner and his father had misappropriated funds of the partnership business. Earlier criminal case registered against the father was settled on compromise.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record and we note that there is a long

standing civil dispute by and between the parties. In view of the aforesaid fact, we are of the opinion that custodial interrogation of the petitioner may not be necessary but the petitioner requires to cooperate with the investigation in accordance with law.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount, 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 and on further condition that the petitioner shall meet the investigating officer once in a month until further order.

The application for anticipatory bail is, accordingly, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)