

44 Court 8
sg 16-09-2020

C.R.M. 6602 of 2020
IA No. CRAN 1 of 2020
(Via Video Conference)

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Jamalpur Police Station Case No. 197 of 2020 dated 10.08.2020 under sections 406/409/420/34 of the Indian Penal Code.

Allowed

Sandip Kumar Koley & Anr.
Versus
State of West Bengal

Mr. Uday Sankar Chattopadhyay, Adv.
Mr. Santanu Maji, Adv.
Mr. Subhayu Das, Adv.

...for the petitioners.

Mr. Rana Mukherjee, Adv.
Mr. Santanu Chatterjee, Adv.

...for the State.

The petitioners undertake to affirm and stamp the petition/application as per the Rules within one month of resumption of normal functioning of the Court. The petition is taken up through video conference on the basis of such undertaking.

Accordingly, CRAN 1 of 2020 is disposed of.

Learned Counsel appearing on behalf of the petitioners submits that the petitioners are the Directors of a Rice Mill and have partly performed the agreement and delivered 3088.058 Metric Ton CMR to the Government in stead of 4399.153 Metric Ton. Earlier, they had made representations before the concerned authority that the paddy had become rotten and discoloured due to weather. The agreement refers to furnishing of a bank guarantee by the petitioners for a sum of Rs.20 lakhs. The same has been furnished.

Learned Counsel appearing on behalf of the State opposes the prayer for bail. However, he does not have the instruction about whether the bank guarantee in question has been encashed or not.

Considering the nature of allegations, we do not think that this is a fit

case for custodial interrogation of the petitioners. Accordingly, we are inclined to allow the anticipatory bail.

Accordingly, in the event of arrest, the petitioners will be enlarged on bail on furnishing security bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of like amount each to the satisfaction of the arresting officer subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and the petitioner shall co-operate with the investigation and shall meet the investigating officer once in a week until further order.

In the event the petitioners fail to comply with the condition as enshrined hereinabove, the bail shall stand automatically cancelled.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Jay Sengupta, J.)

(Soumen Sen, J.)