

07.12.2020
tkm/ct 28
sl no. 79

**C.R.M. 9875 of 2020
(via video conference)**

Allowed

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Bidhannagar (North) P.S case no. 177 of 2020 dated 12.11.2020 under sections 406/420 of the IPC

and

In Re : Arup Kumar Ghosh & Anr. petitioners

Mr. M Chatterjee

..... for the petitioners

Mr. R D Nandy

..... for the State

Mr. Shyamal Kr. Chakraborty

..... for the de facto complainant

It is submitted on behalf of the petitioners that the transaction took place in 2016. Allegations do not disclose the ingredients of the offence of cheating or of misappropriation of funds.

On the other hand, petitioners had purchased potato bonds on the instruction of the de facto complainant and others and had accounted for the same.

Learned lawyer for the State opposes the prayer for anticipatory bail.

Learned lawyer for the de facto complainant vehemently argues that the admitted dues have not been accounted for. He relied on a letter dated 18.9.2020 written by one Nakur Kr. Das.

We have examined the materials on record. Allegation relates to a loan transaction in 2016. Whether such loan was repaid or not is a matter to be assessed at the appropriate stage of the proceeding. We do not express any opinion with regard to authenticity of the letter allegedly issued in September 2020.

However, the said letter does not appear to have been executed by the petitioners themselves personally. Accordingly, we are of the opinion custodial interrogation of the petitioners may not be necessary, they require to co-operate with investigation in accordance with law.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- each 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 while on bail petitioners shall meet the investigating officer once in a week until further orders.

The application being CRM 9875 of 2020 is disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)