

**CRM 11274 of 2020
(via Video Conference)**

In re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Electronic Complex PS Case No. 19/2020 dated 06.03.2020 under Sections 420/406/467/468/471/120B of the Indian Penal Code.

In the matter of : **Tapas Gain**

..... petitioner

Mr. Kamalesh Chandra Saha

....For the petitioner

**Mr. Rana Mukherjee
Mr. Pradipto Ganguly**

.....For the State

Mr. Sandip Prasad Shaw

....For the de-facto complainant

Learned counsel appearing on behalf of the petitioner submits that a settlement has been arrived at in connection with a transaction made for transferring land and the petitioner has been falsely implicated in a criminal case. Such contention of the petitioner has been disputed by learned counsel representing the de-facto complainant.

Learned counsel appearing for the State has produced before us the case diary in order to impress upon us that the offence involved in the present case warrants rejection of the application for anticipatory bail.

During the course of hearing it has been brought to our notice that an order was passed by the Additional Chief Judicial Magistrate, Bidhannagar on 21st March, 2020, whereby one of the co-accused had been granted bail on the basis of amicable settlement between the parties.

Since one of the co-accused is enlarged on bail and there has apparently been an amicable settlement which, has been recorded in the order dated 21st March, 2020 by the learned court below, we are inclined to grant anticipatory bail in favour of the petitioner.

Accordingly, we direct that in the event of arrest the petitioner, namely, Tapas Gain, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of like amount of each to the satisfaction of the arresting officer and subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. In addition, the petitioner will attend the office of the investigating officer once a week for facilitating the process of investigation and he shall not intimidate the witnesses and/or tamper with the evidence during the pendency of the criminal proceeding.

CRM 11274 of 2020 is, accordingly, allowed.

Urgent certified copy of this order, if applied for, be handed over to the parties on the usual undertaking.

(Saugata Bhattacharyya, J.)

(Sabyasachi Bhattacharyya, J.)