

11.02.2020
SI No.36
b.das
Allowed

CRM 1348 of 2020

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 06.02.20 in connection with Matigara P.S. Case No.1019 of 2019 dated 29.11.2019 under Sections 406/420 of the Indian Penal Code.

And

In Re: **Amaresh Kar & Ors.**

... .. Petitioners.

Mr. Debasish Mukhopadhyay
Ms. Jeenia Rudra

... for the Petitioners.

Mr. Avishek Sinha

... .. for the State.

It is submitted on behalf of the petitioner that a civil suit is pending by and between the parties and the allegation of cheating are out and out false.

Learned lawyer for the State opposes the prayer for anticipatory bail and submits that the petitioner had unauthorizedly sold the land of the de facto complainant.

Having considered the materials on record and bearing in mind the nature of allegations leveled against the petitioner in the light of the submission that civil proceeding is pending inter se, we are of the opinion that custodial interrogation for progress of investigation is not necessary. The petitioners may be granted anticipatory bail under Section 438 Cr.P.C. Accordingly, the prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest, the petitioners be released on bail upon furnishing a bond of Rs.10,000/- (Rupees ten thousand

only), each with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioners shall appear before the investigating officer and hand over their passports, if any, within a fortnight from date. In the event they do not have passports, they shall personally appear before the investigating officer and furnish affidavits to that effect within the time frame mentioned hereinabove.

The application for anticipatory bail is, thus, disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)