

08.02.2021
Court No.28
rpan /175

C.R.M. 406 of 2021
(Via Video Conference)

In Re:- An application for anticipatory bail under section 438
of the Code of Criminal Procedure ;

And

In Re : **Uzzal Saha**

....Petitioner.

Mr. Sekhar Kumar Basu,
Mr. Apurba Kumar Ghosh
....for the Petitioner.

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee
... for the State.

Mr. Soumyajit Das Mahapatra,
Mr. A. Chowdhury
... for the De Facto / Complainant.

Apprehending arrest in connection with English Bazar P. S.
Case No.1209 of 2020 dated 15.12.2020 under Sections
406/417/420/467/468/471 of the Indian Penal Code, the
petitioner has filed the present application.

Mr. Basu, learned senior advocate appearing for the
petitioner submits that the case is exclusively based on
documents and the complainant has unnecessarily implicated
the petitioner with an ulterior motive for harassing him, who is
a co-director of the company. The learned senior advocate
further submits that having regard to the nature of the
allegations and the subsequent conduct of the complainant,
custodial interrogation of the present petitioner may not be
warranted.

The learned advocate for the State draws the attention of this Court to the letter of complaint, statement of witnesses and the seizures which have been effected.

Mr. Mahapatra, learned advocate appears on behalf of the *de facto* complainant and emphasises on the alleged forgery being committed at the instance of the present petitioner.

Having regard to the nature of allegations and the fact that earlier business relationship was existing between the present petitioner, being a co-director of the same company as that of the complainant, we are of the opinion that custodial detention of the petitioner may not be warranted in the facts and circumstances of the case. As such, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, 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 each, one of whom must be local, 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. The petitioner is directed to meet with the Investigating Officer of the case once a week till the conclusion of the investigation

The application for anticipatory bail, being CRM 406 of 2021, is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)