

26-03-2021
Subha
Item no.5
Bail allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M 460 of 2021

Dipu Nayak @ Nayek
-vs-
The State of West Bengal
(Via video-conference)

In Re: An application for anticipatory bail under Section 438 CrPC in connection with Belghoria P.S. Case No.723 of 2020 dated 18-12-2020 under Section 420 of the Indian Penal Code.

Mr. Shibaji Kumar Das

...for the petitioner.

Mr. Sudip Ghosh
Mr. Apurba Kumar Datta

.....for the State

Mr. Das, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in the instant case and somebody else has opened an account by impersonating him and accepted money for delivery of goods for which the petitioner is not responsible.

Learned advocate appearing for the petitioner submits that on any condition, the petitioner may be granted the benefit of anticipatory bail.

Mr. Ghosh, learned advocate for the State hands over a communication of the Investigating Officer of the case wherefrom it reflects that the petitioner has complied with the earlier order dated 26th February, 2021 and the investigation is still in progress.

Having regard to the progress of the investigation and the locus of the present petitioner in respect of the material which has surfaced during the investigation, we are of the opinion that the custodial detention of the present petitioner would not be warranted in the facts and circumstances of the case. As such, the prayer for anticipatory bail of the present petitioner is allowed.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the petitioner, namely, **Dipu Nayak @ Nayek** be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) 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 shall continue to meet with the Investigating Officer once a week on and from 8th April, 2021.

Let the compliance report dated 26th March, 2021 submitted by the ASI of Kamarhati OP under Belghoria PS through the learned advocate for the State be kept with the record.

The application for anticipatory bail, being CRM 460 of 2021 is, thus, disposed of.

[Tirthankar Ghosh, J]

[Tapabrata Chakraborty, J]

