

12.04.2021
SL No.281
Court No.28
(gc)
(Allowed)

CRM 758 of 2021
(Via video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Panskura Police Station Case No.444 of 2018 dated 05.09.2018 under Sections 420/406 of the Indian Penal Code.

And

In the matter of : **Ajay Kumar Gayen**

- Petitioner

Ms. Minoti Gomes,
Mr. Mazhar Hossain Chowdhury,
Mr. Suman Karmakar,
Ms. Arina Bhattacharjee,
... For the Petitioner.

Mr. Arijit Ganguly,
Mr. Avik Ghatak,
... For the State.

We have heard the learned Counsel for the petitioner.

Learned Counsel for the petitioner submits that the petitioner has made part-payment of the loan sanctioned by Canara Bank. For default, it is submitted that Canara Bank had taken recourse to the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (in short 'DRT Act') and the SARFAESI Act, 2002 and the said proceeding is pending.

Learned Counsel for the State, however, opposes the prayer for anticipatory bail and submits that the petitioner has constructed the house on a plot of land, which was not mortgaged with the bank.

Considering the fact that proceeding under DRT Act and SARFAESI Act have been initiated against the petitioner for recovery of mortgage debt and having regard to the nature of

extent of complicity of the petitioner in the commission of the alleged offence, we are of the opinion that the custodial interrogation of the petitioner is not necessary. Accordingly, the prayer for anticipatory bail is allowed.

Accordingly, we direct that 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.

It is also directed that the petitioner shall meet the Investigating Officer of the case once in a week until further orders.

With the aforesaid observation, the application for anticipatory bail, being CRM No.758 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)

(Soumen Sen, J.)