

9. 11.08.2021
Ct.32
SB

C.R.M. 1276 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 02.02.2021 in connection with Kotwali Police Station Case No. 836/2020 dated 13.12.2020 under Sections 406/420/506/509/354/of the Indian Penal Code.

And

In the matter of: - Kalipada Maity

Mr. Tusharkanti Har ...for the petitioner.

Mr. Saibal Bapuli
Mr. Soumik Ganguli ...for the State

The allegation against the petitioner is under Sections 406/420/506/409/354 of the Indian Penal Code.

It is submitted on behalf of the petitioner that their was a long standing relationship between the petitioner and the complainant and the petitioner allegedly took an amount of Rs.3,50,000/- from the complainant on the plea of his son's illness. When the complainant realised that amount was taken on a false plea, the present complaint was lodged.

The State refers to the case diary including the statements of seven witnesses and opposes the prayer for anticipatory bail. It is also submitted that investigation is in progress.

We have considered the material in the case diary. The dispute is civil in nature.

Having considered the material available with us as well as nature of the allegation, we are inclined to hold that though charge sheet has not been submitted as yet, immediate custodial interrogation of the petitioner may not be necessary and he may be granted anticipatory bail subject to stringent conditions.

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 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

In the event of the petitioner failing to adhere to any of the conditions stipulated in Section 438(2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without reference to this Court.

The application for anticipatory bail being C.R.M. 1276 of 2021 is, accordingly, allowed.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)