

22. 11.08.2021
Ct.32
SB

C.R.M. 1710 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 09.02.2021 in connection with Durgachak Police Station Case No. 97/2020 dated 13.08.2020 under Sections 406/403 of the Indian Penal Code.

And

In the matter of: - Sankar Ghosh

Mr. Purnasis Bhuniya

...for the petitioner.

Mr. Rana Mukherjee

Ms. Debjani Sahu

Ms. Sujata Das

...for the State

The petitioner says that he had purchased a truck from one Sujoy Sahu, who had entered into a hire purchase agreement with the finance company concerned for purchase of that truck. The petitioner failed in making payment of the instalments since he could not ply the truck commercially because of the pandemic situation. Accordingly, this complaint has been lodged against him.

We have seen the material in the case diary. The dispute appears to be primarily commercial in nature.

Having considered the nature and gravity of the alleged offence and the petitioner's complicity therein and although charge sheet has not yet been submitted, we are of the view that

immediate custodial interrogation of the petitioner may not be necessary so long as he co-operates with the Investigating Officer 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. 1710 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.)