

28.05.2021
Court No.28
Item No. 61
CP

CRM 1882 of 2021
(via video conference)

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

And

In Re : **Pintu Gan @ Priya Ranjan Gan**

Petitioner

Mr. Prosenjit Mukherjee

For the Petitioner

Ms. Faria Hossain
Mr. Aniket Mitra

For the State

Apprehending arrest in connection with Nalhati Police Station Case No. 438 of 2019 dated 26.12.2019 under Sections 420/406 of the Indian Penal Code, the present application has been preferred.

Mr. Mukherjee, learned advocate for the petitioner, submits that the allegations levelled against the petitioner are unfounded. On an allegation that the petitioner was not refunding the money paid to him, the de facto complainant sent a legal notice on January 10, 2019 and about 11 months thereafter an application under Section 156(3) was preferred and on the basis of the same the FIR was registered. In the said conspectus, custodial interrogation of the petitioner is not necessary.

Learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary.

In the application under Section 156(3) of the Code it has, *inter alia*, been stated by the de facto complainant that since 2011, the petitioner was duly furnishing receipt and share certificates of the concerned company. From the year 2014 no receipts were being provided. It is only on January 10, 2019, the de facto complainant ventilated his grievances by a legal notice. About 11 months thereafter, the application under Section 156(3) was preferred.

Taking into consideration the above facts, the nature of allegations as levelled and the extent of complicity of the petitioner, we are of the opinion that custodial detention of the petitioner is not warranted in the facts and circumstances of the case.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Pintu Gan @ Priya Ranjan Gan** shall be released on bail upon furnishing a bond of Rs.50,000/- 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 further directed that the petitioner shall reside within the territorial jurisdiction of Nalhati Police Station. He shall intimate his address to the investigating officer within a week from date and shall meet with the investigating officer twice a week on and from June 7, 2021 until further orders.

The application for anticipatory bail, being CRM No. 1882 of 2021 is, thus, allowed.

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

(Shampa Sarkar, J.)

(Tapabrata Chakraborty, J.)