

06.08.2021
Item no.48.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 2361 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 2.3.2021 in connection with Belgharia Police Station Case No.182 of 2020 Dated 04.04.2020 under Sections 448/379/34 of the Indian Penal Code

And

In the matter of : Dr. Pramathesh Sengupta & Anr.

.....Petitioners.

Mr. Sourav Chatterjeefor the Petitioners.

Mr. Sudip Ghosh,
Mr. Apurba Kr. Dattafor the State.

The allegation against the petitioners is of theft.

The petitioners say that they had permitted their niece and nephew-in-law to reside with them since they had accommodation issues. However, they took advantage of the petitioners' goodness and tried to grab the property of the petitioners. They have now lodged a false complaint against the petitioners.

We have considered the material in the case diary. Prima facie, we do not find anything very incriminating against the petitioners. Investigation is going on. We are told by learned State Counsel that the petitioners had not responded to the

notice issued to them under Section 41A of the Code of Criminal Procedure. This is denied by learned Advocate for the petitioners.

Having considered the material on record and the nature and gravity of the allegation, we are inclined to allow this application so long as the petitioners visit the Investigating Officer as and when they are called for.

Accordingly, in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/-each, 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 case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. No.2361 of 2021 is, thus, allowed.

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

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)

