

04.06.2021

Sl. No.15

Court No.30

BR

CRM 2781 of 2021

(Via Video Conference)

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 filed on 16th March, 2021 in connection with Bhatar Police Station case No.45 of 2021 (GR Case No. 694 of 2021) dated February 8, 2021 under Sections 420/406/34 of the Indian Penal Code.

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And

In the matter of: Swapan Kumar Das

... Petitioner

Mr. Uday Sankar Chattopadhyay,

Mr. Pronay Basak

... for the petitioner

Mr. Swapan Banerjee

Ms. Purnima Ghosh

... for the State

The petitioner is apprehending arrest in connection with police station case no. 45 of 2021 (GR Case No. 694 of 2021) dated February 8, 2021 under Sections 420/406/34 of the Indian Penal Code.

It is submitted on behalf of the petitioner that petitioner is a Government employee and in the last assembly election of the State, he was allotted election duty. The complaint made by the defacto complainant alleging acceptance of a total sum of about Rs. 40,000/- by the petitioner in an illegal and wrongful manner.

Mr. Swapan Banerjee, learned State Counsel produces the case diary. From the materials in the case diary, it appears that the allegations of receiving money is there in the complaint and the petitioner did not comply with the requirement of Section 41A of the Code of Criminal Procedure despite such notice being served upon the petitioner.

After considering the submissions made on behalf of the parties and on perusal of the case diary and after considering the nature of offence this Court thinks it fit that the petitioner may be admitted on anticipatory bail subject to the deposit a sum of Rs. 40,000/- by the petitioner within a period of one week from date with the appropriate department of the learned Chief Judicial Magistrate , Burdwan in connection with the aforesaid case. Such deposit will be kept by the concerned jurisdictional criminal Court until the trial is completed.

In addition there shall be two sureties of Rs. 5,000/- each, one of whom must be local to the satisfaction of the arresting officer and subject to the terms and conditions laid down under Section 438(2) of the Code of Criminal Procedure and to comply with the requirement of Section 41A of the Code of Criminal Procedure in the interest of investigation.

Thus, anticipatory bail application being CRM 2781 of 2021 is allowed and disposed of.

(Aniruddha Roy, J.)

(Shivakant Prasad , J.)