

25.05.2021

Sl. No. 31
Srimanta/
Suman
Ct. No. – 28
D/L

**CRM/2832/2021
(Via Video Conference)**

In Re : An application for anticipatory bail under Section 438
of the Code of Criminal Procedure, 1973.

In the matter of : Sunil Ghosh @ Sunil Kumar Ghosh

... petitioner.

Mr. Debasish Roy, Adv.
Mr. Arnab Chatterjee, Adv.,

...for the petitioner.

Mr. Madhusudan Sur, APP,
Mr. Dipankar Pramanick, Adv.

...for the state.

Apprehending arrest in connection with Durgapur Police
Station Case No. 55 of 2021 dated 2nd February, 2021 under
Sections 420/467/468/471/323/354/506/34/120B of the
Indian Penal Code, 1860, the petitioner has filed the present
application.

Mr. Roy, Learned Advocate appearing for the petitioner
submits that the petitioner is aged about 69 years and he is
residing in the concerned property on the basis of an
agreement executed in his favour on 13th November, 2007 by
one Sunity Kumar Sarkar. The petitioner herein lodged a
complaint on 22nd January, 2021 alleging that the son of
Sunity Kumar Sarkar along with others entered into his
property and assaulted him. In view of such assault the
petitioner was hospitalized. On 27th January, 2021 another
complaint was lodged by the petitioner's wife reporting that
her family members had been again assaulted.

He further submits that thereafter on 2nd February,
2021 a complaint was lodged by the *de facto* complainant
stating, *inter alia*, that she had been handed over an

appointment letter by the petitioner upon payment of an amount of Rs. 6 lakhs. The said document, according to the *de facto* complainant, was however, found to be a fake and forged document.

He further submits that the allegations contained in the said complaint are absolutely unfounded and as there is no incriminating material against the petitioner, his custodian interrogation/detention is not necessary.

Mr. Sur, Learned Advocate appearing for the State opposes the petitioner's prayer and draws our attention to the purported offer of appointment letter dated 26th December, 2020 which do not contain the signature of the issuing authority. He has also drawn our attention to the statement of the *de facto* complainant as recorded under Section 161 of the Code of Criminal Procedure.

Records, *prima facie*, reveal that the *de facto* complainant had lodged the complaint subsequent to the complaints lodged by the petitioner and his wife. Considering the nature of allegations, the extent of complicity of the petitioner and his age we are of the opinion that custodial interrogation/detention is not warranted in the facts and the circumstances of the case.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Sunil Ghosh @ Sunil Kumar Ghosh** shall be released on anticipatory 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further condition that the petitioner shall meet with the Investigating Officer once a week on and from 2nd June, 2021 until further orders.

Accordingly, the application for anticipatory bail being CRM No. 2832 of 2021 is **disposed of**.

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

(Bibek Chaudhuri, J.)

(Tapabrata Chakraborty, J.)