

22.09.2021  
Item no.51.  
Court No.32.  
AB  
**(Allowed)**

**(Via Video Conference)**

**CRM No. 2916 of 2021**

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 22.03.2021 in connection with Airport Police Station Case No.189 of 2020 Dated 21.10.2020 under Sections 406/420/379 of the Indian Penal Code

And

**In the matter of : Bhola Sarkar**

.....Petitioner.

Mr. Sourav Chatterjee,  
Ms. Tannistha Bandyopadhyay,  
Mr. Soumyadeep Banerjee .....for the Petitioner.

Mr. Rudradipta Nandy .....for the State.

The petitioner is the husband of the complainant. The allegation is that the complainant had purchased a lottery ticket. The ticket hit the jackpot. The prize amount of Rs.70 Lacs after deduction of tax was supposed to go to the victim's account. The petitioner manipulated and the money landed up in his bank account. Hence, the complaint by the wife.

The petitioner says that his bank account where the money has been parked has been frozen.

The State says that it has no such information and there is nothing to that effect in the case diary.

We have seen the material in the case diary and considered the nature and gravity of the offence. We are of the view that this is not a case where custodial interrogation of the petitioner may be necessary so long as he cooperates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner, namely Bhola Sarkar 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 case the petitioner fails 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.2916 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.

**(Bivas Pattanayak, J.)**

**(Arijit Banerjee, J.)**