

01.06.2021
Court No.28
Item No. 02
CP

CRM 2949 of 2021
(via video conference)

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

And

In Re : **Pranab Banerjee**

Petitioner

Mr. Arindam Jana
Mr. Akashdeep Mukherjee

For the Petitioner

Mr. Madhusudan Sur, Ld. A.P.P.
Mr. M. Mahata

For the State

Apprehending arrest in connection with Muchipara Police Station Case No. 54 of 2019 dated 07.04.2019 under Sections 420/406/464/465/467/471/506/120B/34 of the Indian Penal Code, the present application has been preferred.

Mr. Jana, learned advocate for the petitioner submits the allegations levelled against the petitioner are unfounded and he has been falsely implicated. He along with the informant and others are partners. The *de facto* complainant had already retired from the partnership and had also addressed a letter to the Officer-in-charge of Muchipara Police Station stating, *inter alia*, that he intends to withdraw the complaint.

He further submits that the petitioner had cooperated in the investigation and appeared before the investigating officer in response to a notice under Section 41A of the Code.

Mr. Jana further informs this court that other co-accused persons, being the partners of the same partnership firm, have

already been granted anticipatory bail by the learned Sessions Judge. In the said conspectus, custodial interrogation of the petitioner is not necessary.

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

Heard the learned advocates for the respective parties and considered the materials in the case diary. It appears that the dispute had occurred pertaining to the business of a partnership firm. The said dispute has a civil profile and the co-accused persons have already been granted anticipatory bail.

Under such circumstances and considering the nature of allegations, we are of the opinion that custodial interrogation 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, **Pranab Banerjee**, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail, being CRM No. 2949 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.)

