

11.03.2021
Item No.03
Ct.No.28
Subha
Allowed

C.R.M. 4725 of 2020
(Via Video Conference)

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

In the matter of : **Savita Devi Mall & Anr.**

.. Petitioners.

Mr. Debasish Roy, Sr. Advocate
Mr. Sanat Das
Mr. Pran Gopal Das.

..... For the Petitioners.

Mr. Arun Kumar Bhagat
Mr. Ajay Kumar Mishra
Mr. Sayantan Das

.....for the *de facto* complainant.

Mr. Prasun Kumar Datta, APP
Mr. Santanu Deb Roy

... For the State.

Apprehending arrest in connection with Shakespear Sarani Police Station Case No. 240 of 2019 dated 17-12-2019 under Sections 120B/403/417/418/420 of the Indian Penal Code, the present application has been filed.

Records reveal that by an order dated 24th December, 2020, this Court granted interim protection to the petitioners for a period of six weeks and the petitioners were

directed to submit an affidavit enclosing particulars with regard to the payments made post August, 2020.

Mr. Roy, learned senior advocate appearing for the petitioners submits that on the basis of the agreement executed, Merlin Projects Limited had already paid an amount of Rs.41,46,886/-(Rupees forty one lakh forty six thousand eight hundred and eighty six only) to the *de facto* complainant.

He further submits that subsequent to January, 2021, an amount of Rs.5,94,415/- (Five lakh ninety-four thousand four hundred and fifteen only) has also been paid and a further sum of Rs.10,00,000/-(ten lakh only) would be paid by Merlin Projects Limited to the *de facto* complainant within a fortnight. The documents and the supplementary affidavits filed in support of such contention, be kept with the record.

Mr. Bhagat, learned advocate appears on behalf of the *de facto* complainant.

Mr. Datta, learned Additional Public Prosecutor appearing for the State opposes the prayer for anticipatory bail of the petitioners and submits that a substantial amount is yet to be paid by the petitioners to the *de facto* complainant.

Having heard the learned advocates and considering the materials on record, we find that a substantial amount has been paid to the *de facto* complainant.

In the said conspectus, we are of the opinion that the custodial interrogation of the petitioners, both of whom are senior citizens, is not warranted in the facts and circumstances of the case.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the petitioners, namely, **1. Savita Devi Mall & 2. Shree Mohan Mall** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) 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.

The application for anticipatory bail, being CRM 4725 of 2020 is, thus, disposed of.

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

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)