

09.06.2021
Court No.28
SL No.76
PJ/KC

CRM 3411 of 2021
(Through Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Harwood Point Coastal P.S. Case No. 214/2019** dated **23.7.2019** under Sections **420/506 of the Indian Penal Code;**

And

In the matter of: **Ganesh Mandal,**

....Petitioner.

Mr. Shibaji Kumar Das,

...for the Petitioner.

Mr. Saibal Bapuli,
Mr. Arijit Ganguly,
Mr. Sanjib Kumar Dan,

...for the State.

This application for anticipatory bail has been filed apprehending arrest in connection with Harwood Point Coastal P.S. Case No. 214/2019 dated 23.7.2019 under Sections 420/506 of the Indian Penal Code. The said case corresponding to G.R. No. 1159 of 2019 which is now pending before the learned Additional Chief Judicial Magistrate, Kakdwip, South 24-Parganas.

Learned counsel for the petitioner submits that the dispute is primarily civil in nature and relates to recovery of money lent in advance from the petitioner.

It is also submitted that the complaint was lodged three years after the alleged incident of advance.

Having considered the entire gamut of the facts and circumstances of the case, this Court is inclined to grant relief to the petitioner under Section 438 Cr.P.C.

Accordingly, in the event of arrest the petitioner shall be released on bail subject to satisfaction of conditions under Section 438(2) of Cr.P.C., 1973 and upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the **learned Additional Chief Judicial Magistrate, Kakdwip, District : South 24-Parganas**, subject to condition that the petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner shall not enter the jurisdiction of the **Court** except for the purposes of investigation and attending Court proceedings and shall provide the addresses where he will reside while on bail to the Investigating Officer as well as the Court below and shall report to the Officer-in-Charge of the concerned Police Station within whose jurisdiction he will reside once in a week until further orders. The petitioner shall surrender her passport to the IO and if he does not possess passport shall submit affidavit to that effect before the IO.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for anticipatory bail is, thus, disposed of.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Biswajit Basu, J.)

(Rajasekhar Mantha, J.)