

CRM 3493 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Jamuria Police Station Case No.394 of 2020 dated 29-12-2020 under Sections 420/406 of the Indian Penal Code.

- A n d -

In the matter of : Anup Adhikary

.... Petitioner.

Mr. Apurba Kumar Datta

... For the Petitioner.

Ms. Zareen N. Khan,
Ms. Sreeparna Das

... For the State.

The petitioner says that the allegation is that he had received some money from the complainant for purchase of a land. The land has not been purchased. The money has not been returned. However, according to the petitioner, the entire money has been misappropriated by one Parijat Singh and his wife.

We have seen the material in the Case Diary including the agreement entered into by and between the parties. The dispute between the parties appears to be purely civil in nature.

On an overall assessment of the facts and circumstances of the case and the material in the Case Diary, we are of the view that although Charge Sheet is yet to be submitted, immediate custodial interrogation of the petitioner may not be necessary so long as he cooperates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner, namely, **Anup Adhikary**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer. The petitioner shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure and shall meet the Investigation Officer once in every fortnight till completion of the investigation.

In the event the petitioner fails to adhere to any of the conditions stipulated above, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 3493 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.

(**Bivas Pattanayak, J.)**

(**Arijit Banerjee, J.)**