

27.
08-10-2021
(ct. no.32)
debajyoti

CRM 3503 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Gangarampur Police Station Case No.391 of 2019 dated 19-10-2019 under Sections 387/406/420/417/467/471/506/34 of the Indian Penal Code.

- A n d -

In the matter of : Kailash Barman @ Kaliash Barman
.... Petitioner.

Mr. Debasish Banerjee,
Mr. Subrata Saha,
Mr. S. Naskar

... For the Petitioner.

Mr. Madhusudan Sur, learned APP,
Mr. Manoranjan Mahata

... For the State.

The allegation is that the petitioner introduced one Niranjan Das to the defacto complainant and represented that if the complainant pays some money to Niranjan, it would yield very high returns. The complainant gave Rs.2,00,000/- to Niranjan and Niranjan vanished with the money.

The petitioner says that he has no role to play in the alleged offence. The complainant is his tenant. He has filed this false complaint for reasons best known to him.

We have seen the material in the Case Diary. Investigation is in progress. The co-accused, Niranjan Das, who actually took the money, has been granted anticipatory bail by this Court by an order dated May 27, 2021 in CRM 3726 of 2021. The petitioner stands on the same, if not better footing.

On an overall assessment of the facts and circumstances of the case and the nature of the allegations, we

are of the view that 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, **Kailash Barman @ Kaliash Barman**, 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. The petitioner shall meet the Investigating Officer of this case 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 3503 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.)**