

07.06.2021
AJ. Ct 28
Sl no. 27

C.R.M. 3730 of 2021
(Via Video Conference)

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 06.5.2021 in connection with Bharatpur P.S. case no. 85 of 2021 dated 01.04.2021 under Sections 420/506/34 of the Indian Penal Code, 1860.

And

In Re : **Fajle Alom & Ors.** petitioners.

Mr. Arindam Roy. for the petitioners.

Mr. Swapan Banerjee,
Mrs. Purnima Ghosh. for the State.

An application for anticipatory bail has been filed apprehending arrest arising out of Bharatpur P.S. case no. 85 of 2021 dated 01.04.2021 under Sections 420/506/34 of the Indian Penal Code.

The sum and substance of the allegation is that the maternal aunt, uncle-in-law and the brother-in-law of the complainant had misappropriated money by intimidating and/or by converting the amount sent by the husband of the complainant to her.

Counsel for the petitioners submits that the complaint does not indicate any account number and there is delay of three and half months in lodging complaint and FIR.

This Court notes that mere delay in filing of FIR by itself is not fatal to any proceeding. It further appears from the case diary that there is indeed an account number traced out by the investigating officer. It also appears that all the accused petitioners have been absconding. It further appears that the petitioners did not respond to the notice under Section 41(A) of the Code of Criminal Procedure.

Considering the above, this Court is not inclined to grant anticipatory bail to the petitioners.

Accordingly, the application for anticipatory bail being CRM 3730 2021 is rejected.

(Biswajit Basu, J.)

(Rajasekhar Mantha, J.)