

20. 08.11.2021

Ct.32

Tanmoy

Allowed

C.R.M. 3752 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **20/05/2021** in connection with **Karaya Police Station Case No. 564/2018** dated **10/11/2018** under Sections **354/120B/420/511** of the Indian Penal Code.

And

In the matter of: - **Sudipto Nandy & Anr.**

...petitioners.

Mr. Sudip Ghosh Chowdhury,
Mr. Argha Das,
Mr. Abhishek Bose

...for the petitioners.

Mr. Swapan Banerjee,
Mr. Suman De

...for the State.

The petitioners say that the present complaint is a counter-blast. The petitioner had issued a notice under Section 138 of the Negotiable Instruments Act for a cheque which was issued by the *de facto* complainant, having been dishonoured upon presentation to the Bank. Accordingly, according to the petitioners, this false case of attempting to cheat the victim and outraging her modesty has been filed.

We have seen the statements of witnesses in the Case Diary including the statement of the *de facto* complainant/victim. It is a fact that the present complaint was filed subsequent to the petitioners' issuing notice under Section 138 of the Negotiable Instruments Act to the *de facto* complainant.

Considering the nature and gravity of the offence and the possible complicity of the petitioners therein, we are inclined to

allow the petitioners' prayer for anticipatory bail so long as they fully co-operate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioners, *viz.*, **1. Sudipto Nandy, 2. Ujjani Sengupta** shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. 3752 of 2021 is, accordingly, disposed of.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)