

22.07.2021

(Via Video Conference)

Court No.28
Item No.11
(ALLOWED)

CRM 4351 of 2021

Saswata
&
ab

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Digha Costal Mohana Police Station Case No. 10 of 2021 dated 18.03.2021 under Sections 420/406/506/34 of the Indian Penal Code.;

And

In the matter of : **Om Prakash Yadav & Anr.**

...Petitioners

Mr. Samir Roychowdhury

...For the Petitioners

Mr. Md. Anwar Hossain

Ms. Sreyashee Biswas

Mr. Pratick Bose

...For the State.

The instant case is taken out of turn on the consent of both the parties.

Apprehending arrest in connection with Digha Costal Mohana Police Station Case No. 10 of 2021 dated 18.03.2021 under Sections 420/406/506/34 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

The learned Advocate for the petitioners submits that the instant case has been initiated against them in relation to a civil transaction when admittedly, the complaint is bereft of any ingredients concerning the charging Sections. It is submitted that an agreement for sale of a portion of the property was entered into with the petitioners and the *de facto* complainant and the entire consideration money was paid.

The State opposes the prayer for bail and draws our attention to the complaint filed by the *de facto* complainant.

After hearing respective counsels and on perusal of the complaint, we do not think that custodial interrogation of the petitioners is necessary and the petitioners may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioners

shall be released on bail upon furnishing a bond of ₹10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall meet the Investigating Officer as and when called for and shall co-operate with the investigating officer.

CRM 703 of 2021 is, thus, ***allowed.***

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)