

13.12.2021
tkm/ct 28
sl no. 63

C.R.M. 4547 of 2021

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Polba P.S Case no. 63 of 2021 dated 17.4.2021 under sections 420/406/34 of the IPC
And

Allowed

In Re : Sri Krishna Roy & Ors. petitioners

Mr. Sanjib Dutta

..... for the petitioners

Mr. Swapan Banerjee

Mr. Suman De

..... for the State

Mr. Srijib Chakraborty

Mr. S Nandy

Mr. S Pathak

Mr. T Singha Roy

..... for the de facto complainant

It is submitted on behalf of the petitioners that the dispute is civil in nature and civil suit is pending by and between the parties.

Learned lawyer for the State opposes the prayer for anticipatory bail.

Learned lawyer for the de facto complainant submits that the petitioners are threatening the witnesses.

We have considered materials on record. Allegation relates to undervaluation of a sale transaction. Civil suit is pending by and between the parties.

In view of the aforesaid facts we are of the opinion though custodial interrogation of the petitioners is not necessary movement of the petitioners requires to be restricted in order to install confidence in the mind of the de facto complainant and other witnesses.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- each with two sureties of like amount, to the satisfaction of the Arresting Officer and also be 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 while on bail shall not enter the jurisdiction of Polba P.S. and Baidyabati outpost under Serampore P.S except for the purpose of investigation and attending court proceeding and shall report to the officer in charge concerned within whose jurisdiction they shall reside while on bail once in a week until further orders and petitioner no. 3 shall provide the address where he shall presently reside to the investigating officer as well as court below while on bail.

Petitioners shall appear before the court below and pray for regular bail within four weeks from date.

The application being CRM 4547 of 2021 is disposed of.

(Bivas Pattanayak, J.)

Joymalya Bagchi, J.)