

27.10.2021

CRM 6036 of 2021

Court No.8
Item No.94
(ALLOWED)

Saswata/Ab

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 08.09.2021 in connection with Kalighat Police Station Case No. 85 of 2021 dated 08.08.2021 under Sections 417/419/420/468/471 of the Indian Penal Code and Section 15(3) of the Indian Medical Council Act;

And

In the matter of : **Arun Kumar Saha.**

...Petitioner

**Mr. Sourav Chatterjee,
Mr. Sougata Mitra,
Mr. Pawan Kumar Gupta,
Ms. Ankita Dey,
Mr. Rameshwar Sinha,
Ms. Sofia Nesar,
Ms. Jahanara Begum**

...For the Petitioner

**Mr. Swapan Banerjee,
Ms. Purnima Ghosh.**

... For the State

Learned Counsel for the petitioner cites ***Arnesh Kumar -vs- State of Bihar and another***, reported in ***(2014) 8 SCC 273*** and submits that the petitioner has already complied with the notice of appearance under Section 41(A) of the Code of Criminal Procedure and as such, there is no further requirement for custodial interrogation of the petitioner.

Learned Counsel appearing on behalf of the State in their usual fairness submits that, in the present case, the petitioner has actually complied with the notice 41(A) of the Code of Criminal Procedure.

Upon going through the materials on record and following the ratio of ***Arnesh Kumar (Supra)***, we are of the view that the petitioner is entitled to the relief of anticipatory bail.

Accordingly, CRM 6036 of 2021 is allowed, thereby, granting anticipatory bail to the petitioner.

In the event, the petitioner is apprehended, the petitioner shall immediately be released on bail upon fulfillment of the following condition:-

- The petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon completion of requisite formalities.

(Sabyasachi Bhattacharyya, J.)

(Rabindranath Samanta, J.)