

10.12.2021
Court No.32
Item No. 195
Krishnendu
Allowed

**C.R.M. 6112 of 2021
(Via Video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure ;

And

In re: **Mithun Das**

Petitioner

Mr. Siddhartha Sarkar

For the Petitioner

Ms. Zarin N. Khan

Ms. Ayantika Roy

For the State

Apprehending arrest in connection with Pandua Police Station Case No. 296 of 2021 dated 11.07.2021 under Sections 420/406/506 of the Indian Penal Code, the present application has been preferred.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. A dispute over a quantum of money was subsisting between the petitioner, who is a shop owner and the *de facto* complainant, who is a supplier. The petitioner was issued a notice under section 41A of the Code of Criminal Procedure and he has duly complied with the same. In the said conspectus, custodial interrogation of the petitioner is not necessary.

The learned advocate appearing for the State opposes the petitioner's prayer and submits that the dispute was regarding

payment of an amount of Rs.4,32,760/- out of which the petitioner has paid about a sum of Rs.1,75,000/-.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of accusations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation of the petitioner is not warranted, more so when, the petitioner has complied with section 41A notice.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, **Mithun Das**, shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

With the aforesaid observations, the application for anticipatory bail, being CRM No. 6112 of 2021 , is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J)

(Tapabrata Chakraborty, J)