

25.11.2021

Court No.29
Item No.138
(Allowed)

CRM 6269 of 2021

Saswata

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Memari Police Station Case No. 381 of 2021 dated 02.07.2021 under Sections 498(A)/306/34 of the Indian Penal Code;

And

In the matter of : **Tapas Adhikary @ Adhikari & Anr.**
...Petitioners

Mr. Uday Sankar Chattopadhyay
Mr. Santanu Maji
Mr. Pronoy Basak
Mr. Subhayu Das
...For the Petitioners

Mr. Saibal Bapuli, APP
Mr. Bibaswan Bhattacharya
...For the State.

Leave is granted to correct the cause title of the application.

The petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioners submits that the petitioners were falsely implicated.

Learned advocate appearing for the State submits that police filed charge sheet, inter alia, under Section 306 of the Indian Penal Code.

Considering the materials in the case diary, the gravity of the offence, the complicity of the petitioner, therein, and considering the fact that the police filed charge sheet, inter alia, under Section 306 of the Indian Penal Code, we grant anticipatory bail to the petitioner.

The prayer for anticipatory is, thus, ***allowed.***

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the

CRM 4351 of 2021

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.;

Procedure, 1973 and and further condition that the petitioners shall

In the matter of : **Om Prakash Yadav & Anr.**
appear before the jurisdictional Court on every date fixed and pray for
...Petitioners

regular bail within a period of four weeks from date.

Mr. Samir Roychowdhury

...For the Petitioners

Mr. Md. Anwar Hossain

Ms. Sreyashee Biswas

Mr. Pratick Bose

(Debangsu Basak, J.)

...For the State.

(Bibahas Ranjan De, J.)

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