

04.10.2021

422

Ct. No. 29

sdas

Allowed

C.R.M. 6354 of 2021
(via video conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Bowbazar Police Station Case No. 293 of 2020 dated 16.09.2020 under Sections 385/406/409/420/467/ 468/ 471/506/109/120B of the Indian Penal Code.

And

In Re : Mr. Ratu Techhi & Ors. petitioners

Mr. Abhratosh Majumdar
Mr. Avra Mazumder
Mrs. Riya Bhattacharjee

.....for the petitioners

Mr. N. Ahmed, learned A.P.P.
Ms. Trina Mitra

....for the State

Mr. Naresh Balodia
Mr. Sabyasachi Banerjee

..... for the de facto complainant

Petitioners seek anticipatory bail.

The application was taken up for consideration firstly on September 27, 2021 and thereafter on September 30, 2021.

There was a dispute as to whether possession of the four machines were handed over to the financier or not. Time was granted to the petitioners to deliver possession of the machines to the de facto complainant.

Learned advocate appearing for the petitioners submits that the possession of such machines were taken by the

authorised representative of the de facto complainant on October 1, 2021 and on October 2, 2021.

Learned advocate appearing for the de facto complainant submits that the personnel of the de facto complainant are incommunicado and that they are held captive by the petitioners. He submits that the de facto complainant lodged a further complaint with the police with regard thereto.

The disputes amongst the private parties are with regard to higher purchase agreements. The parties are at liberty to avail of their remedies in accordance with law with regard thereto. Considering the nature of the disputes and the materials in the case diary, we are of the view that anticipatory bail should be granted to the petitioners.

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 be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further conditions that the petitioners shall meet the investigating officer once in a month until further orders and shall appear before the jurisdictional court and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

This order will not prevent the de facto complainant from pursuing its remedies in respect of the subsequent police compliant.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)