

10.12.2021
Item no.217
Court No.32
Avijit Mitra

C.R.M. 6362 of 2021

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

And

**In Re : Subhojeet Banerjee alias Shubhojeet
Banerjee**

.... petitioner

Mr. Jayanta Narayan Chatterjee,
Mr. Debashis Banerjee,
Mr. Supreem Naskar,
Ms. Jayashree Patra,
Ms. Pritha Sinha

....for the petitioner

Mr. Neguive Ahmed

..... for the State

Apprehending arrest in connection with Falta Police
Station Case No.15 of 2021 dated 17.01.2021 under Sections
420/406/120B and 34 of the Indian Penal Code, the present
application has been preferred.

Mr. Chatterjee, learned advocate appearing for the
petitioner submits that the petitioner is in no way connected
with the alleged offence. He has been falsely implicated. The
dispute was pertaining to non-functioning of CT scan machine
supplied by one Amardeep Singh to the *de facto* complainant. He
further submits that the petitioner has also complied with the
section 41A notice as served. In the said conspectus, custodial
interrogation is not warranted.

Mr. Ahmed, learned advocate appearing for the State
opposes the petitioner's prayer and submits that there are
incriminating materials against the petitioner.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary. Upon cumulative assessment of the materials in the case diary and the role of the present petitioner, we are of the opinion that custodial interrogation is not necessary, more so when, the petitioner has complied with the section 41A notice.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Subhojeet Banerjee alias Shubhojeet Banerjee**, shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten thousand only) with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further condition that the petitioner shall cooperate with the investigation and shall meet with the investigating officer once a fortnight on and from 14th December, 2021 till the investigation is complete.

The petitioner is also directed to attend the learned Trial Court on all the dates as fixed for hearing.

The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for anticipatory bail being C.R.M.6362 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.)