

14.12.2021  
Item no.253  
Court No.32  
Avijit Mitra

C.R.M. 6762 of 2021

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

And

**In Re : Sri Swarup Nag**

.... petitioner

Mr. Pawan Gupta,  
Ms. Sofia Nesar

....for the petitioner

Mr. Neguive Ahmed,  
Ms. Amita Gaur

..... for the State

Apprehending arrest in connection with Chinsurah Police Station Case No.397 of 2021 dated 17.09.2021 under Sections 420/406/506/34 of the Indian Penal Code, the present application has been preferred.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

It appears that the parties were involved in a dispute pertaining to an agreement for construction. Considering the nature of allegations, a Section 41A notice was issued and the petitioner has complied with the same. It further appears that out of Rs. 25,70,000/- an amount of Rs.21,00,000/- has already been paid to the *de facto* complainant. In the said conspectus, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **Sri Swarup Nag**, 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 of the case as and when called for.

The petitioner shall 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. 6762 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.)**