

CRM No.6880 of 2021

Via video conference

24.11.21

(S.R.)

Sl.199

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Bauria** Police Station Case No.160 of 2019 dated 28/09/2019 under Sections 420/323/506/34 of the Indian Penal Code, corresponding to G.R. Case No.2212 of 2019;

And

In re: Baban Kumar @ Babon Kumar

... petitioner.

Mr. Moyukh Mukherjee

Mr. Abhijit Singh

Mr. Koustav Lal Mukherjee

Mr. Shakti Halder

Mr. Sarthak Mondal

... for the petitioner.

Mr. Debabrata Chatterjee, Ld. APP

Mrs. Monani Roy

...for the State.

The learned lawyer for the petitioner submitted that the present petitioner is falsely implicated; no strong incriminating element is there; the petitioner has complied with notice issued under Section 41A of the Code of Criminal Procedure and whole thing is a case of misunderstanding between the parties without having serious financial implication.

The learned lawyer representing the State submitted that strong incriminating elements are there against the present petitioner. It is also submitted that financial irregularities are noticed which does not warrant allowing anticipatory bail. It is also submitted that when the investigation is still pending, an anticipatory bail should not be granted.

We have heard the rival submissions. We have perused the case diary and other materials. Incriminating elements are there against the present petitioner. Considering the nature of allegations and the materials, we are of the view that custodial interrogation is not

necessary. Therefore, we are inclined to allow anticipatory bail

Accordingly, we direct that in the event of arrest the petitioner 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 and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

It is further directed that the petitioner shall attend the learned trial court on all the dates, as fixed for hearing, and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fail 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 CRM No.6880 of 2021 is, accordingly, 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.)