

(Through Video Conference)

CRM 7530 of 2021

In re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 17.11.2021 in connection with Harishchandrapur Police Station Case No. 738 of 2021 dated 25.09.2021 under Sections 420/406/409/34 of the Indian Penal Code.

-And-

In the matter of : **Koyel Das**

... ..Petitioner

Mr. Sourav Chatterjee, Advocate
Mr. Amit Ranjan Pati, Advocate

... .. For the Petitioner

Mr. Sudip Ghosh, Advocate
Mr. Bitasok Banerjee, Advocate

... .. For the State

Mr. Arindam Jana, Advocate
Mr. Pronojit Roy, Advocate

... .. For the Victims

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that that petitioner can justifiably claim parity with the other co-accused who was granted anticipatory bail on November 10, 2021 in CRM 6720 of 2021. He submits that the Coordinate Bench returned the finding that the evidences are largely documentary in nature.

Learned Advocate appearing for the State submits that the petitioner is not in the same footing with other co-accused. He refers to the contents in the case diary.

Learned Advocate appearing for the victims submits that the defalcated sum is in excess of Rs.4 crores and that the petitioner is instrumental in such defalcation. He submits that the petitioner cannot claim parity with other co-accused who was granted anticipatory bail.

Considering the facts and circumstances of the case, the contents in the case diary and the fact that the instant complaint is of 2017 and the police complaint being lodged in September, 2021 and considering the fact that another co-

accused was granted bail by the Coordinate Bench, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on anticipatory 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 and with a further condition that the petitioner shall appear before the Court below and pray for regular bail within four weeks from date.

The police are at liberty to interrogate the petitioner in the presence of a lady constable.

The prayer for anticipatory bail is allowed.

CRM 7530 of 2021 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)