

17.12.2021.
32.
as
(Partly
Allowed).

C.R.M. 7595 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Charu Market P. S. Case No.96 of 2021 dated 18.07.2021 under Sections 420/406/120(B) of the Indian Penal Code.

In the matter of : Rabindra Nath Singh & Ors.
... Petitioners.

Mr. Swapan Kr. Nandi,
Mr. Uttam Rajak.
...for the Petitioners.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Provash Bhattacharjee.
.....for the State.

Mr. Karan Dudhwewala,
Mr. Mukesh Kr. Pandey.
...for the de-facto complainant.

Heard the learned Advocates appearing for the parties.

It is submitted that petitioner no.2 has been arrested.

In view of the above, the prayer for anticipatory bail of the petitioner no.2 is dismissed as not pressed.

It is submitted on behalf of the petitioners that a loan had been taken by the de-facto complainant from the petitioner No.1 in 2017. Subsequently, he had repaid the loan. Marriage proposals were mooted between the petitioner no.3 and the daughter of the de-facto complainant. However, the said proposals did not fructify. Subsequently, petitioners have been falsely implicated in the instant case.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail and submits petitioners took money on the promise of marriage but subsequently withdrew from the marriage proposal. Monies received, however, were not returned.

Learned Advocate appearing for the de-facto complainant also opposes the prayer for anticipatory bail.

We have considered the materials on record. We have also taken note of the annexures to the petition which discloses a loan transaction between the parties in 2017. It is contended on behalf of the State that the document is a manufactured one.

Under such circumstances, we find prima facie materials that monetary transaction took place in connection with a marriage proposal mooted between petitioner no.3 and the daughter of the de-facto complainant. Petitioner no.1 is the father of the petitioner no.3 and keeping in mind the pre-dominant role played by him in the marriage negotiations, we are not inclined to grant anticipatory bail to the petitioner no.1.

Accordingly, the prayer for anticipatory bail of the petitioner no.1 is rejected.

However, in view of the extent of complicity of other petitioners including the petitioner no.3 in the alleged crime, we are of the opinion that custodial interrogation of the

petitioner Nos.3, 4 and 5 is not necessary and they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioner Nos.3, 4 and 5 shall be released on bail upon furnishing a bond of Rs.10,000/- each 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 on further condition that the petitioner nos.3, 4 and 5 shall appear before the trial court and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, disposed of.

(Bivas Pattanayak,J.)

(Joymalya Bagchi, J.)