17.12.2021
tkm/ct 28
sl no. 64

C.R.M. 8011 of 2021

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Howrah P.S case no. 244 of 2019 dated 3.7.2019 under sections 420/406/120B of the Indian Penal Code

And

Allowed

In Re : Anju Bajaj & Anr. …… petitioners

Mr. M Chatterjee
Mr. S Bhattacharya
…… for the petitioners

Mr. S Bapuli
Mr. Arani Bhattcharya
…… for the State

It is submitted on behalf of the petitioners that the instant case arose out of a civil dispute. Cash-credit loan had been advanced to the petitioners and part payments have been made.

Learned lawyer for the State opposes the prayer for anticipatory bail. He submits that the cash credit loan had been advanced to the petitioners' firm for dealing in vehicles. Hypothecated vehicles, however, were sold without submitting returns to the bank.

We have considered the materials on record. A cash-credit loan had been advanced to the petitioners' firm. Part payments have been made. Whether the petitioners had dishonest intention to defraud the bank from the inception of the transaction requires to be assessed at the appropriate stage of the proceeding. However, in the facts and circumstances of the case particularly as part payments have been made, we are inclined to grant anticipatory bail to the petitioners subject to conditions.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs. 50,000/- each with two sureties of like amount each, to the satisfaction of the Arresting Officer and also be subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that petitioner no. 2 while on bail, shall meet the investigating officer once in a week until further orders.

Petitioners shall appear before the court below and pray for regular bail within four weeks from date.

The application being CRM 8011 of 2021 is disposed of.

(Bivas Pattanayak, J.) **(Joymalya Bagchi, J.)**