

11.02.2021

Item No.118

Ct.No.28

dc.

Allowed

C.R.M. 7648 of 2020

(Via Video Conference)

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

And

In Re : **Sekhar Kanti Sahar**

... Petitioner.

Mr. Sourav Chatterjee,
Mr. Pawan Kumar Gupta,
Mr. Sougata Mitra,
Mr. Santanu Sett

... For the Petitioner.

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee

... For the State.

Apprehending arrest in connection with Kashipur P.S. Case No. 88 of 2019 dated 18.12.2019 under Sections 406/409 of the Indian Penal Code, the present application has been preferred.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the petitioner had already repaid the amount of Rs.1,03,194/- as alleged to have been embezzled and as such, custodial detention of the petitioner is not warranted. He further submits that by an earlier order dated 8th October, 2020 a direction was issued not to arrest the petitioner for a period of two weeks and the learned advocate appearing for the State was directed to avail necessary instruction as to whether the concerned amount has been repaid and deposited in the appropriate account.

Mr. Ghosh, learned appearing for the State submits, upon instruction, that the said amount has already been deposited by the petitioner. A report to that effect, as filed, be kept on record.

In the said conspectus and as the alleged amount has already been deposited by the petitioner, we are of the opinion that custodial detention of the petitioner is not warranted.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the petitioner, namely **Sekhhar Kanti Sahar** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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 and on a further condition that the petitioner shall meet with the Investigating Officer once a week on and from 22nd February, 2021 until further orders.

The application for anticipatory bail, being CRM 7648 of 2020 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)