

05.03.2021

Court No.28

rpan/ 01

C.R.M8284 of 2020
(Via video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure ;

And

In re: **Tarikul Islam**

-Petitioner.

Mr. Ayan Bhattacharya,
Mr. Santanu Maji

....For the Petitioner.

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee

....For the State.

Mr. Debasish Roy,
Ms. Noelle Banerjee,
Mr. Dipak Dey

... for the *de facto* complainant.

Apprehending arrest in connection with New Market Police Station Case No. 209 of 2020 dated 24.08.2020 under Sections 120B/408/420/469 of the Indian Penal Code, the petitioner has filed the present application.

From the earlier orders, passed in this application, it appears that there was a possibility of settlement among the parties. In view thereof, a specific order was passed on 19th November, 2020 observing *inter alia* that the petitioner has offered a sum “*without prejudice to the petitioner’s rights and contentions in any civil proceedings for recovery of money that may be instituted by the de facto complainant or any other in respect of the relevant transactions*”.

Mr. Bhattacharya, learned advocate appearing for the petitioner has handed over a bank draft of ₹45,00,000/ (Rupees

Forty-five Lakhs) to the *de facto* complainant in court today and an acknowledgement to that effect has also been issued. Mr. Roy, learned advocate appearing for the *de facto* complainant has handed over photostat copies of the said acknowledgement and bank draft. Let the same be kept on record.

In the said conspectus, we are of the opinion that custodial interrogation/detention of the petitioner may not be warranted in the facts and circumstances of the case. As such, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Tarikul Islam**, shall be released on bail upon furnishing a bond of ₹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.

The application for anticipatory bail, being CRM No. 8284 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.)