

25.02.2021

Item No.30

Ct.No.28

Subha

Allowed

C.R.M. 10421 of 2020

(Via Video Conference)

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

And

In the matter of : **Swati Agarwal & Ors.**

.....petitioners.

Mr. Sandipan Ganguly, Sr. Advocate

Mr. Ayan Bhattacharya

Mr. Rishav Kumar Singh

... For the petitioners.

Mr. Rudradipta Nandy

... For the State.

Mr. Mayur Agarwal

...for the de facto complainant appearing in person.

Apprehending arrest in connection with Lake Town Police Station Case No. 152 of 2020 dated September 16, 2020 under Sections 420/406/506/379/328/34 of the Indian Penal Code (GR Case No. 621 of 2020), the present application has been preferred.

Mr. Ganguly, learned senior advocate appearing for the petitioners submits that the instant case has been initiated as a counter-blast of the case filed under Section 498A I.P.C which was initiated at the instance of petitioner no.1 being Phoolbagan P. S. Case No. 160 of 2020 dated 6th September, 2020.

Learned senior advocate for the petitioners further submits that the investigation of the case has been concluded and charge-sheet has already been submitted and the petitioners have met with the Investigating Agency pursuant to the notice under Section 41A of the Code of Criminal Procedure served upon them and also in compliance with the order dated 16th December, 2020.

Mr. Nandy, learned advocate appearing on behalf of the State submits that the Investigating Agency after collection of materials have come to the conclusion that a case has been made out under Sections 406/420/120B of the Indian Penal Code and accordingly charge-sheet has been submitted before the jurisdictional court.

Mr. Agarwal, the de facto complainant, is present in person before this court. He submits that although there were allegations under Sections 328 and 386 of the Indian Penal Code, the Investigating Agency did not bother to investigate the same and as such he is prejudiced by the manner in which the investigation has been conducted.

We have perused the materials available in the case diary as also considered the rival submissions of the parties and on appreciation of the same, we are of the opinion that as the investigation has been concluded and there are no adverse representation of the Investigating Agency regarding the conduct of the present petitioners, their custodial interrogation/detention may not be warranted at the present stage of the case.

As such, prayer for anticipatory bail of the petitioners is, allowed.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the petitioners, namely, **Smt. Swati Agarwal, Shri Pramod Gupta and Shri Padam Gupta** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each 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.

This order of anticipatory bail will remain in force for a period of four weeks from date.

The petitioners are directed to surrender before the court below and pray for regular bail before the jurisdictional court.

With the aforesaid observations, the application for anticipatory bail, being CRM 10421 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.)