

04.03.21 In re: An application for anticipatory bail under Section 438 of the
(S.R.) Code of Criminal Procedure filed in connection with **Gurap** Police
Sl.51 Station Case **No.128 of 2020** dated **10.11.2020** under Sections
Ct.28 **420/406/403** of the Indian Penal Code;

And

In re: Susanta Samanta & Anr.

... petitioners.

Mr. Arunava Ganguly

... for the petitioners.

Mr. Swapan Banerjee

Ms. Purnima Ghosh

...for the State.

The learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated. The petitioner no.2 entered into a loan-cum-hypothecation agreement with M/s. Shriram Transport Finance Corporation Limited. Some payments have already been made by the petitioners but still they have been sought to be falsely implicated in the alleged offence. The petitioners have also complied with Section 41A notice as issued and as such, they may be granted anticipatory bail on any stringent condition.

Mr. Banerjee, learned advocate appearing for the State opposes the petitioners' prayer and submits that more than Rs.10,00,000/- (rupees ten lakhs only) is due and payable to M/s. Shriram Transport Finance Corporation Limited and the materials would disclose direct involvement of the petitioners in the alleged offence. The investigation is still in progress.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations and the fact that the petitioners have complied with Section 41A notice, we are of the opinion that custodial interrogation of the petitioners is not warranted in the facts and circumstances of the case.

Accordingly, we direct that in the event of arrest, the petitioners,

namely, **Susanta Samanta and Bhaddeswar Kamley** shall be released on bail upon furnishing a bond of Rs.10,000/- 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.

Accordingly, the application for anticipatory bail being CRM No.10816 of 2020, is allowed.

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.)