

11.03.2021
Court No.28
Item No. 25
Krishnendu
Allowed

CRM 10875 of 2020
(Via video Conference)

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

And

In Re : **Debojyoti Dutta**

Petitioner

Mr. Debasis Kar

For the Petitioner

Mr. Ranobir Roy Chowdhury

Mr. Mainak Gupta

For the State

Apprehending arrest in connection with Cossipore P.S. Case No. 169 of 2020 dated 26.09.2020 under sections 420/406/120B of the Indian Penal Code, the petitioner has filed the present application.

The learned advocate for the petitioner submits that the subject matter of the case is restricted to the fact that some money was lent and that has not been refunded. According to him, although the refund has been effected but the petitioner has been falsely implicated in the instant case.

The learned advocate for the State opposes the petitioner's prayer for anticipatory bail and produces the documents, which are photostat copies of certain receipts.

However, having regard to the fact that the tenor of the F.I.R. relates to recovery of money, we are of the opinion that custodial interrogation of the petitioner is not 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, **Debojyoti Dutta**, shall be released on bail upon furnishing a

bond of Rs.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 petitioner shall meet with the Investigating Officer of the case once a week until further orders on and from 18th March, 2021.

In default, the Investigating Officer would be empowered to pray for cancellation of the aforesaid order.

The application for anticipatory bail, being CRM No. 10875 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.)