

07.04.2021.

37.

as

(Allowed).

C.R.M. 10974 of 2020

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Hastings P.S. Case No.102 of 2019 dated 17.10.2019 under Sections 420/406/341/323/379/120B of the Indian Penal Code.

In the matter of : Prawin Sharma & Anr.

... Petitioners.

Mr. Samrat Kr. Das,
Mr. Sujan Chatterjee,
Mr. S. Lahiri,
Mr. S. Azam.

...for the Petitioners.

Md. Sabir Ahmed,
Mr. S. Sarkar.

.....for the State.

Apprehending arrest in connection with Hastings P.S. Case No.102 of 2019 dated 17.10.2019 under Sections 420/406/341/323/379/120B of the Indian Penal Code petitioners have filed the instant application for anticipatory bail.

Learned Advocate appearing for the petitioners submits that they are innocent of the charges and they have been diligently carrying on their business activity.

The learned Advocate appearing for the de-facto complainant disputes the submission of the petitioners.

Learned Advocate appearing for the State opposes the prayer for bail and submits that there are statements of witnesses who were students and opposes the conduct of the present business.

We have perused the materials on record which include the letter of complaint as well as the statement of the witnesses. Having regard to the materials which surfaced from the investigation, we are of the opinion that custodial interrogation of the petitioners may not be warranted in the facts and circumstances of the case.

Accordingly, we direct that in the event of arrest the petitioners 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 subject to the satisfaction of the arresting officer and that the petitioners shall not tamper with the evidence or intimidate the witnesses. The petitioners shall meet the Investigating Officer on every alternate day till the submission of the charge sheet and shall appear before the trial court on every date of hearing until further orders, any default on a solitary occasion without any justifiable cause will disentitle them to the privilege of anticipatory bail granted by this Court without any further reference being made to this Court.

The aforesaid conditions are in addition to the conditions enshrined under Section 438(2) of the Code of Criminal Procedure, 1973 shall also apply.

This application for anticipatory bail is, thus, allowed.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)

