

C.R.M. 11150 of 2020

Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Rajarhat Police Station Case No. 64 of 2020 dated 19.02.2020 under section 406/409/420/120B of the Indian Penal Code.

In re : Partha Pratim Biswas & anr.

... Petitioners.

Mr. Sourav Chatterjee,
Mr. Shibaji Kumar Das,
Mr. Soumyajit Das Mahapatra,
Ms. Rupsa Sreemani ... for Petitioners.

Mr. Rana Mukherjee,
Ms. Sujata Das ... for State.

Mr. Indranil Roy,
Mr. Sunit Kumar Roy ... for de facto complainant.

The present application under section 438 of the Code of Criminal Procedure, 1973 is taken up for hearing and order.

Petitioners have both filed respective supplementary affidavits pursuant to observations of the Bench on last occasion regarding expression of bona fide by them. They have said, they will each deposit Rs.2.5 lakhs (aggregate Rs.5 lakhs) within four weeks. We have enquired of Mr. Chatterjee, learned advocate on their behalf, whether the deposit can be made immediately as that is what we require, to be satisfied about his clients' bona fide. He asks for one week.

Petitioners will deposit within one week aggregate Rs.5 lakhs in the Special Court being 3rd Court, Barasat, to be held to the credit of Special Case no. 35 of 2020 (Reference Rajarhat P.S. Case no.64 dated 19th February, 2020). Said Court will deal with the

deposit on result of the case.

Having considered above conduct of petitioners and materials in the case diary, we are inclined to grant anticipatory bail to petitioners. In event the deposit is not made by 23rd April, 2021, this order will be deemed to be an order of rejection of the anticipatory bail application.

Accordingly, subject to direction in the last preceding paragraph, in event of arrest, the petitioners shall be released on anticipatory bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand) only each with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail is, accordingly, allowed.

C.R.M. 11150 of 2020 is disposed of.

(Arindam Sinha, J.)

(Kausik Chanda, J.)