

C.R.M. 11285 of 2020

Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Krishnagar Kotwali Police Station Case No. 917 of 2020 dated 29.11.2020 under section 420/406/279/307/34 of the Indian Penal Code.

In re : Dasarath Hazra

... Petitioner.

Mr. Angsuman Chakraborty,
Mr. S. S. Saha

... for Petitioner.

Mr. B. Panda,
Mr. P. Saha

... for State.

Ms. Minoti Gomes,
Ms. Karabi Roy

... for de facto complainant.

The present application under Section 438 of the Code of Criminal Procedure, 1973 filed at the instance of Dasarath Hazra is taken up for hearing and order.

It is submitted on behalf of the petitioner that he has been falsely implicated in the case by the de facto complainant who, purchased a truck from him and denied full payment of money for the same.

The State opposes the prayer for anticipatory bail and refers to the case diary. The State submits that no injury report is available in the case diary.

The de facto complainant is represented and opposes the prayer for anticipatory bail. She says that the petitioner has not handed over the truck to her and has sold it to someone else.

It appears from the materials on record that there is no

prima facie material against the petitioner under Section 279/307 of the Indian Penal Code. No injury report of the de facto complainant is available. The dispute between the parties is commercial in nature.

Considering the extent of complicity of the petitioner in the alleged crime, we are inclined to hold that custodial interrogation of the petitioner is not required and the petitioner may be granted anticipatory bail.

Accordingly, we direct that in event of arrest the petitioner shall be released on anticipatory bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand) only with two sureties of like amount to the satisfaction of the arresting officer and also subject to the 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. 11285 of 2020 is disposed of.

(Arindam Sinha, J.)

(Suvra Ghosh, J.)