

SL. 52
March 16, 2021.
AKG

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION

C.R.M. 74 of 2021

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on December 17, 2020 in connection with Bhaktinagar Police Station Case No. 726 of 2020 dated August 20, 2020 under sections 447/420/468/471/506/34 of the Indian Penal Code, 1860.

And

Allowed

In Re : Sarju Sharma

... petitioner.

Mr. Sekhar Kumar Basu,
Mr. Deep Chaim Kabir,
Mr. Debasish Mukhopadhyay,
Ms. Jeenia Rudra,
Ms. Madhushri Dutta,
Ms. Saheli Dey

... for the petitioner.

Mr. Nilay Chakraborty,
Ms. Narmata Das

... for the State.

Mr. Deborshi Dhar

...for the Defacto Complainant.

Learned senior counsel appearing for the petitioner submits that the complaint on the basis of which the petitioner apprehends arrest was lodged as an afterthought and backlash to a previous complaint lodged by the petitioner. Moreover, a title suit is pending between the complainant and the petitioner, which might have also prompted the complaint to be lodged, much after the alleged date of the offence against the petitioner.

Learned counsel for the State submits that although a civil suit is pending between the parties, the criminal investigation is independent of such proceeding.

Although there is no doubt that the scope of the criminal investigation and the civil suit are entirely different, benefit of doubt ought to be given to the petitioner in view of the circumstances as pointed out by learned senior counsel for the petitioner as well as on the available materials.

Accordingly, the prayer for anticipatory bail is allowed on the following conditions:

In the event of arrest, the petitioner shall be immediately released on bail subject to furnishing a bond of Rs.10,000/- with two sureties of like amount each. The petitioner shall also comply with the conditions as stipulated in Section 438 (2) of the Code of Criminal Procedure. In addition, the petitioner shall meet the Investigating Officer once in a week and cooperate with the investigation in all manners till charge sheet is filed.

(Sabyasachi Bhattacharyya, J.)

(Kausik Chanda, J.)