

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

28.09.2021
Court No.01
Item No.12
Avijit Mitra

**CRM 408 of 2021
Through Video Conference**

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

And

In Re: Gopal Chandra Roy

...Petitioner

Mr. Anirban Banerjee,
Ms. Madhusri Dutta

...For the Petitioner

Mr. Niloy Chakraborty,
Ms. Namrata Das

...For the State

Apprehending arrest in connection with Siliguri Police Station Case No.515 of 2018 dated 16.08.2018 under sections 420/406/403/120B of the Indian Penal Code, the present application has been preferred.

Mr. Banerjee, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. Forging the petitioner's signature and showing him as the guarantor, the principal accused, namely, Arup Roy, obtained the cash-credit facility. Prior thereto, the petitioner had sold the property mortgaged to the bank. Section 41A notice was issued to the petitioner and he had complied with the same. In the said conspectus, custodial interrogation of the petitioner is not necessary.

Mr. Chakraborty, learned advocate appearing for the State opposes the petitioner's prayer and submits that investigation is still in progress and there are incriminating materials on record against the petitioner.

Records reveal that the petitioner was granted an *interim* protection by an order dated 17th August, 2020 with a rider that '*the petitioner shall cooperate with investigation and shall meet investigating officer once in a week until further orders*'. The directions contained in the said order have been complied with by the petitioner and there is no adverse report against the petitioner. In view thereof and considering the nature of accusations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that his custodial interrogation is not warranted in the facts and circumstances of the present case.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Gopal Chandra Roy** shall be released on anticipatory 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 with further condition that the petitioner shall cooperate with investigation and meet with the investigating officer once a week on and from 4th October, 2021 until further orders.

.The application for anticipatory bail, being CRM 408 of 2021, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Abhijit Gangopadhyay, J.) (Tapabrata Chakraborty, J.)