

26.
13-09-2021
(ct. no.32)
KOLE
Allowed

In The Circuit Bench At Jalpaiguri

CRM 570 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Samuktala Police Station** Case No. **213 of 2019** dated **07.08.2019** under Sections **420/409** of the Indian Penal Code.

- A n d -

In the matter of : Jamini Mohan Das

.... Petitioner.

Mr. A. Saha,

... For the Petitioner.

Mr. N. Chakraborty,

Mr. N. Das,

... For the State.

The petitioner says that he was merely an agent of Agramami Agro Farms Ltd., which is a company, which took deposits from investors and repaid back the same with interests. The petitioner did not misappropriate a naya paisa from such deposit. The complainant now alleges that the amount deposited with the company has not been returned to him and the petitioner has also not shown any document to prove that the money was actually deposited by the petitioner with the company.

The petitioner draws our attention to receipts and other documents annexed to the petition in support of his case that each and every paisa that he received from the complainant was deposited with the company. The petitioner further says that he himself has also been cheated by the company.

Charge sheet has been submitted. We have seen the material in the case diary. The statements of witnesses do not clearly implicate the petitioner. Further, it appears that the complaint has been lodged almost seven years after the incident.

In view of the aforesaid, we are of the opinion that immediate custodial interrogation of the petitioner is not necessary.

Accordingly, in the event of arrest, the petitioner, namely, **Jamini Mohan Das**, shall be released on 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 shall abide by the conditions laid down in Section 438 (2) of the Code of Criminal Procedure until further orders.

In the event the petitioner fails to adhere to any of the conditions stipulated in Section 438 (2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 570 of 2021 is, thus, allowed.

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

(**Bivas Pattanayak, J.)**

(**Arijit Banerjee, J.)**