

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

24.09.2021
Court No.01
Item No.29
Avijit Mitra

CRM 908 of 2021

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

And

In Re: Anil Bansal & anr,

...Petitioners

Mr. S.P. Tewary

...For the Petitioners

Mr. Abhijit Sakar,

Mr. Tapan Bhattacharjee

...For the State

Apprehending arrest in connection with Kurseong Police Station Case No.24 of 2019 dated 06.02.2019 under sections 406/409 of the Indian Penal Code, the present application has been preferred.

Mr. Tewary, learned advocate appearing for the petitioners submits that due to the pandemic situation and extreme financial stringency, the petitioners could not timely deposit the employees' share of contribution of an amount of Rs.7,48,953/-. A complaint to that effect was lodged by the Enforcement Officer, Employees' Provident Fund Organization, Regional Office, Siliguri on 6th February, 2019. Thereafter, the petitioners deposited the said amount on 15th February, 2019. In view thereof, custodial interrogation of the petitioners is not necessary.

Mr. Sarkar, learned advocate enters appearance on behalf of the State.

Having heard the learned advocates for the respective parties and considering the fact that the dues had already been paid immediately after the complaint was lodged, we are of the opinion that custodial interrogation of the petitioners is not warranted in the facts and circumstances of the present case.

Accordingly, we direct that in the event of arrest the petitioners, namely, **Anil Bansal** and **Bijoy Gurung** shall be released on anticipatory bail upon furnishing a bond of Rs.10,000/- each 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,.

The application for anticipatory bail, being CRM 908 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.)