

17.09.2021
Serial no. 2
Dd

CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT
JALPAIGURI
(Through Video Conference)

CRM 926 of 2021

In re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **31.08.2021** in connection with General Register Case No. **1368** of **2021** arising out of **Samuktala Police Station Case No. 144 of 2021** dated **27.07.2021** under Sections **379/ 406/ 420/ 409/ 120B /34** of the Indian Penal Code.
-and-

In the matter of : **Om Prakash Upadhyay**
...Petitioner

Mr. Sourav Chatterjee,
Mr. Abhimanyu Banerjee,
Mr. Subhasis Saha, advocates
... ... For the Petitioner

Mr. Aniruddha Biswas, advocate
... ...For the de facto complainant

Mr. Aditi Shankar Chakraborty, APP
Mr. Biswarup Roy,
. ...For the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that the complaint against the petitioner is a fallout of the issues relating to the management of a tea garden amongst various groups. He draws the attention of the Court to the several orders passed by the High Court in various proceedings.

State and the de facto complainant are represented.

Learned advocate appearing for the State submits that there is a Provident Fund default. However, on a query from the Court, he submits that the Provident Fund

Authorities are yet to initiate any proceeding for the alleged defalcation of Provident Fund.

Learned advocate appearing for the de facto complainant submits that the earlier order passed by the writ court is yet to be implemented.

The order which the de facto complainant complains is yet to be implemented is dated February 8, 2021. There is a writ petition pending for implementation of such order being WPA 1116 of 2021 in which an order dated August 13, 2021 was passed. The Court is informed that there are three several appeals pending against the order dated February 8, 2021.

Considering the facts and circumstances of the case and considering the fact that the complaint relate to the management of a tea garden, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on anticipatory bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, 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, 1973 and on further condition that the petitioner shall appear before the Court below and pray for regular bail within four weeks from date and with a further condition that Petitioner shall meet the Investigation Officer once in a month until further orders

The prayer for anticipatory bail is **allowed**.

CRM 926 of 2021 is **disposed of**.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)