

30.11.2021

Item No.20

Ct.No.1

dc./gsd

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

C.R.M. 965 of 2021

(Via Video Conference)

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Siliguri PS Case No. 355 of 2021 dated 5.5.2021 under Sections 408/420/468/471 of the Indian Penal Code.

And

In the matter of : **Ritam Roy**

... Petitioner.

Mr. H. S. Poddar

... for the petitioner

Mr. A. S. Chakraborty

Mr. Biswarup Roy

... For the State.

Mr. Poddar, Learned Advocate, appearing for the petitioner submits that the petitioner has been falsely implicated in the instant case as he was an employee and there were disputes with other issues. The petitioner himself has initiated a criminal case and as a counter blast the present FIR was registered.

The Learned advocate for the State opposes the prayer for anticipatory bail and submits that there are confessional statements before the defacto-complainant which has been seized by the Investigating Officer.

The subject matter of the case relates to criminal breach of trust, cheating and forgery. The business with which the defacto-complainant is associated or the present petitioner is employed relates to spare parts. The allegation is in the nature of removal or defalcation of the amount. There is no stock register or account sheet appearing in the case diary as submitted by the Learned Public Prosecutor.

Having regard to the same and as six months have passed since the registration of the FIR, the custodial detention of the petitioner may not be warranted in the facts and circumstance of the case.

Accordingly, we **allow** the application for anticipatory bail and direct that in the event of arrest, the petitioner, namely **Ritam Roy** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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, 1973 and on further condition that the petitioner shall meet with the Investigating Officer of the case once in a week until further orders.

This order of anticipatory bail will remain valid for a period of four weeks from date.

The Investigating Officer will be at liberty to pray for issuance of harsher process of law in case the petitioner does

not appear and regularize his bail before the jurisdictional Court.

The application for anticipatory bail, being CRM 965 of 2021 is disposed of.

All parties shall act on the server copy of this order, duly obtained from the official website of the Hon'ble High Court Calcutta.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)