

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

29.09.2021

Court No.01

Item No.76

Allowed

Krishnendu

(Via Video Conference)

CRM 991 of 2021

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

And

In Re: Rajen Subba

...Petitioner

Mr. S.P. Tewary
Mr. Debojit Kundu

...For the Petitioner

Mr. Niloy Chakraborty
Mr. Tapan Bhattacharjee

...For the State

Mr. S.C. Prasad

... For the O.P. No.2
(P.F. authorities)

Apprehending arrest in connection with Kurseong Police Station Case No. 142 of 2021 dated 13.08.2021 under sections 406/409 of the Indian Penal Code, the present application has been preferred.

Mr. Tewary, learned advocate appearing for the petitioner submits that due to the pandemic situation and extreme financial stringency, the petitioner could not timely deposit the employees' share of contribution of an amount of Rs. 59,49,970/-. A complaint to that effect was lodged by the Enforcement Officer, Employees' Provident Fund Organization, Regional Office, Siliguri on 13th August, 2021. Thereafter, the petitioner deposited the said amount on 16th September, 2021. In view thereof, custodial interrogation of the petitioner is not necessary.

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

Mr. Prasad, learned advocate appearing for the P.F. authorities, does not dispute the fact that an amount of Rs.59,49,970/- had already been paid by the petitioner.

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 petitioner is not warranted in the facts and circumstances of the present case.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Rajen Subba**, 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,.

The application for anticipatory bail, being CRM 991 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.)