

13.12.2021
SL No.46
Court No.1
(SK)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

**CRM 1027 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 Matigara Police Station Case No.196 of 2020 under Sections 447/420/465/468/471/34 of the Indian Penal Code, 1860.

And

In the matter of : **Sri Binay Saibo**

- Petitioner.

Mr. Prajwal Gurung

... For the Petitioner.

Mr. Ujjwal Luksom,

Ms. Namrata Das

... For the State.

Mr. Seborshi Dhar ... For the de facto complainant.

The learned Counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated. The petitioner further submits that the matter is likely to be settled with the de facto complainant. The petitioner is also refers a civil suit pending between the de facto complainant amongst others, before a competent civil Court.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail and draws our attention to an order passed by a co-ordinate Bench on December 17, 2020 rejecting the prayer for anticipatory bail. It is submitted that the co-

ordinate Bench has noted that the petitioner is a conspirator and the beneficiary of the transaction.

The learned Counsel representing the de facto complainant is present in Court and submits that the matter has been amicably settled between the parties and he has no grievance against the petitioner.

Considering the material available on record and the changed circumstances since December 17, 2020 and also having regard to the fact that charge sheet has already been filed, we are of the opinion that the custodial interrogation of the petitioner is not required. As such, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, we direct that in the event of arrest the petitioner, **Sri Binay Saibo**, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail, being CRM No.1027 of 2021 is, thus, disposed of.

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

(Biswajit Basu, J.)

(Soumen Sen, J.)