

24.02.2022
Item no.234
Court No.32
Avijit Mitra

C.R.M. (A) 98 of 2022

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

And

In Re : Gour Chandra Chatterjee

.... petitioner

Mr. Sanjoy Banerjee,
Mr. Joydeep Bhattacharya,
Ms. Senjuti Chakraborty
....for the petitioner

Mr. Abhra Mukherjee,
Mr. Dipankar Mahata
....for the State

Apprehending arrest in connection with Chandrakona Police Station Case No.258 of 2018 dated 01.09.2018 under Sections 447/323/34/456/457/458 of the Indian Penal Code, the present application has been preferred.

Mr. Banerjee, learned advocate appearing for the petitioner submits that there was a dispute between the petitioner and the bank authorities pertaining to repayment of a loan. Alleging that the petitioner had defaulted, his account was declared NPA way back in the month of April, 2017. Thereafter, the bank took symbolic possession of the mortgaged property on 2nd August, 2017. Alleging that the petitioner had forcibly taken physical possession of the property, the present complaint was lodged. However, the bank authorities also preferred an application under Section 14 of the SARFAESI Act in which an order was passed on 22nd February, 2019. In the petitioner's

application preferred challenging the said order, the Bank was directed not to take any coercive steps by an order dated 30th September, 2019. In the said conspectus, custodial interrogation may not be necessary.

Mr. Mukherjee, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the witnesses as recorded under Section 161 of the Code. Answering our query he submits that investigation is still continuing.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, it appears that for recovery of loan amount appropriate proceedings had already been initiated by the bank under the SARFAESI Act. Considering the nature of accusations and the possible extent of complicity of the petitioner, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest, the petitioner namely, **Gour Chandra Chatterjee**, shall be released on 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 with a further direction that the petitioner shall cooperate with the investigation.

The petitioner shall attend the learned Trial Court on all the dates as specified for hearing.

The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for anticipatory bail being C.R.M. (A) 98 of 2022 is disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)