

01.03. 2022

Court No.32
rpan / **08**

CRM (A) 372 of 2022

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

And

In Re.: **Sambhu Das**

- Petitioner

Mr. Debasish Banerjee,
Mr. Subrata Saha,
Mr. Abhik Biswas
... for the Petitioner.

Ms. Faria Hossain,
Ms. Baisali Basu
... for the State.

Apprehending arrest in connection with Balurghat Police Station Case No.269 of 2021 dated 01.06.2021 under Sections 465/467/468/471/474/419/423/34 of the Indian Penal Code, 1860, the petitioner has filed the present application.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in view of a previous dispute amongst the parties pertaining to a landed property. A civil suit is pending between the parties. The allegations are omnibus in nature. The petitioner has cooperated with the investigation and handed over the alleged deed to the investigating officer. A co-accused person, similarly situated with the petitioner, had already been granted anticipatory bail by a coordinate Bench of this Court.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses as recorded under Section 161 of the Code and other documents in the case diary.

Heard the learned advocates appearing for the respective parties. Upon assessing the materials on record, it, *prima facie*, appears that the role assigned to the petitioner herein is similar to that of one, Swarup Das, who has already been granted anticipatory bail by a coordinate Bench of this Court. Considering the nature of accusations, the conduct of the petitioner and on the ground of parity, we are of the opinion that custodial detention of the petitioner is not warranted.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the petitioner, namely, **Sambhu Das** 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 with a further condition that he shall appear before the Investigating Officer once a month till the conclusion of investigation.

It is further directed that the petitioner shall attend the learned court below on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM (A) 372 of 2022 is, thus, 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.)