

03.03.2022
Item No.08
Court No.32
Ss

C.R.M.(A) 381 of 2022

In Re:- An application for antipatory bail under Section 438 of the Code of Criminal Procedure Code.

And

In Re: Ananda Gopal Mondal

... Petitioner.

Mr. Sourav Chatterjee

Mr. Pawan Kr. Gupta

Mr. Sougata Mitra

... for the Petitioner.

Mr. Ranabir Roy Chowdhury

Mr. Sandip Chakraborty

Mr. Mainak Gupta

... for the State.

Apprehending arrest in connection with Bandwan Police Station Case No.75 of 2021 dated 23.11.2021 under Sections 406/420 of the Indian Penal Code, the present application has been preferred.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the petitioner, who is the headmaster of a school, has been roped in on a purported plea that he had not returned an amount of Rs.60,000/- paid to him by the *de facto* complainant in instalments on and from 27th September, 2018. However, the complaint had been lodged about two years thereafter. There is no explanation towards such delay. The petitioner has also complied with Section 41A notice.

Mr. Roy Chowdhury, learned advocate appearing for the State opposes the petitioner's prayer and submits that there are incriminating materials on record against the petitioner.

Answering our query, he submits that though the petitioner has complied with Section 41A notice, the investigation is still not complete.

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Considering the nature of accusations against the petitioner and since the petitioner has complied with Section 41A notice, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Ananda Gopal Mondal**, 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 further condition that the petitioner shall meet with the investigating officer once in a fortnight till investigation is complete.

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 bail of the petitioner without any further reference to this Court.

The application for anticipatory bail being C.R.M.(A) 381 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.)