

15.03.2022
Item no. 13
Court No.32
Avijit Mitra

C.R.M.(A) 577 of 2022

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

And

In Re : Manoj Agarwal

.... Petitioner

Mr. Kushal Kumar Mukherjee,
Mr. Surajit Basu,
Ms. Ranu Mondal

...for the petitioner

Mr. Saibal Bapuli,
Mr. Arani Bhattacharya

....for the State

Mr. Vikash Baishya,
Mr. Soumya Nag

...for the *de facto* complainant

Apprehending arrest in connection with Kulti Police Station Case No.220 of 2021 dated 10.05.2021 under Sections 406/420/467/468/470/471/120B of the Indian Penal Code, the present application has been preferred.

Mr. Mukherjee, learned advocate appearing for the petitioner submits that there is a dispute between the members of the same family pertaining to the landed property and the petitioner has been falsely implicated. Pertaining to the land dispute civil suits are pending among the parties. In the said conspectus, custodial interrogation of the petitioner may not be necessary.

Mr. Bhattacharya, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary.

Mr. Nag, learned advocate enters appearance on behalf of the *de facto* complainant.

Heard the learned advocates appearing for the respective parties.

Prima facie, it appears that the dispute has a civil profile. Considering the nature of accusations and the possible extent of complicity of the petitioner in the alleged offence, we are of the opinion that his custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest, the petitioner namely, **Manoj Agarwal**, 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 condition that the petitioner shall meet with the Investigating Officer of the case once a week till investigation is over.

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.

Accordingly, the application for anticipatory bail being C.R.M.(A) 577 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.)