

04.04.2022
Serial no. 02
[Dd]
(Anticipatory bail
Allowed)

CRM (A) 808 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Tamluk** Police Station Case No. **357** of **2021** dated **26.04.2021** under Sections **420/406** of the Indian Penal Code.

-And-

In the matter of : **Md. Ismail**

... .. Petitioner

Mr. Amrin Khatoon, Advocate
... .. *For the Petitioner*

Mr. Sudip Ghosh,
Mr. Bitasok Banerji, Advocates
... ..*For the State*

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner entered into an arrangement with the de facto complainant for the purpose of construction of building at Ripon Street. Apparently, there were disputes between the family member of the de facto complainant with regard to such construction whereupon the de facto complainant requested the petitioner to stop the construction at Ripon Street and undertake a construction at Medinipur. The petitioner expressed his inability to do so. The de facto complainant now wants refund of the money. He submits that the disputes are entirely civil in nature and the petitioner is falsely implicated.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary.

Considering the fact that disputes between the de facto complainant and the petitioner being civil in nature

cannot be ruled out at this stage and considering the fact that the record depicts that the petitioner responded to the notices under Section 41A of the Criminal Procedure Code.

Consequently, considering the gravity of the offence and the involvement of the petitioner therein, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner 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 also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall report before the Investigating Officer at such time and place as may be specified by the Investigating Officer till the conclusion of the investigation and on further condition that the petitioner shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner is **allowed.**

CRM (A) 808 of 2022 is **disposed of.**

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

