

11.03.2022
Serial no. 08
Dd

CRM(A) 1165 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Anandapur** Police Station Case No. **101** dated **28.06.2021** under Sections **403/406/409/379/380** of the Indian Penal Code and Section **72A** of the Information Technology Act, corresponding to ACGR No. **2423 of 2021**.

-And-

In the matter of : **Sanjay Mukhopadhyay**
... **Petitioner**

Mr. Debajyoti Deb,
Mr. Sanjoy Kumar Das, Advocates
... .. For the Petitioner

Mr. Binay Panda,
Ms. Puspita Saha, Advocates
... ..For the State

Mr. Kallol Mondal, Advocate
.. ...For the de facto complainant

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated. The petitioner is a professional. He was made to resign from the company. The petitioner is using of certain documents of which he is a signatory in judicial proceeding. The police complaint is in respect of such user. According to the learned advocate for the petitioner, user of documents in a judicial proceeding cannot result in criminal liability.

State and the de facto complainant are represented.

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

Learned advocate appearing for the de facto complainant seeks time to file an affidavit disclosing the documents which the petitioner relied upon and other facts.

The de facto complainant cannot claim a right of leaving as a matter of right.

Considering the fact that the petitioner is entitled to rely upon documents in judicial proceeding and considering the fact that it is for the Court in seisin of the judicial proceeding to pronounce upon the validity and legality of such document and considering the fact that no court as of now is yet to pronounce on the alleged misuser of any document by the petitioner, we are of the view that the petitioner is entitled to be enlarged on anticipatory bail.

Consequently, 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 appear before the Court below and pray for regular bail within a period of four weeks from date and on further condition that the petitioner shall meet the Investigating Officer as and when called for till completion of investigation.

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

CRM(A) 1165 of 2022 is **disposed of.**

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)