

28 10.03.2022
(AD)
Court No.29
(Allowed)

C.R.M. (A) 1172 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Jorabagan** P.S. Case No.**04** dated **14/01/2022** being GR No.55 of 2022 under Sections **420/406/120B** of the Indian Penal Code.

And

In the matter of: Mr. Giridhari Goenka

....petitioner.

Mr. Pratip Mukherjee
Mr. Omar Faruk Gazi
Mr. Amarnath Agarwal

...for the petitioner.

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

...for the State.

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the claim is on account of goods sold and delivered. The parties were in commercial relationship from at least 2017. The accounts are yet to be finalized for any liability to be affixed upon the petitioner. Consequently, since the civil liability is yet to be determined, the question of the petitioner being criminally liable does not arise.

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

Considering the gravity of the offence and the involvement of the petitioner therein and considering the fact that the disputes being civil in nature cannot be entirely discounted, we 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 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 meet the Investigating Officer once a month till the conclusion of the investigation and that the petitioner shall appear before the jurisdictional Court and pray for regular bail within four weeks from date.

The prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 1172 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)