

10.05.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 2096 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Palashipara** Police Station Case No. **132** of **2022** dated **07.04.2022** under Sections 409/420/465/506/120B of the Indian Penal Code, 1860.

And

In Re : Uttam Biswas

..... petitioner

Mr. Asraf Mondal

....for the petitioner

Mr. Tanmoy Kumar Ghosh

Ms. Sonali Bhar

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner and the de-facto complainant entered into a commercial relationship. Accounts between the parties are required to be taken into consideration to ascertain the liability, if there be any, on the part of the petitioner to the de-facto complainant.

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

The police complaint revolves around outstanding dues allegedly on the ground of failure to pay for the goods sold and delivered. The accounts of the private parties are required to be

taken into consideration. The issues being civil in nature cannot be discounted at this stage. Consequently, 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/-, 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 meet the Investigating Officer as and when called for till the conclusion of the investigation and on 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

