

25 18.05.2022
(AD) Court No.29
(Allowed)

C.R.M. (A) 2217 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kotwali** P.S. Case No.**114 of 2022** dated **03/02/2022** under Sections **341/188/384/34** of the Indian Penal Code.

And

In the matter of: Subrata Saha

....petitioner.

Mr. Atis Kumar Biswas
Mr. Amit Singh
Ms. Jyoti Agarwal

...for the petitioner.

Mr. Partha Pratim Das
Ms. Amita Gaur

...for the State.

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner is a labourer engaged by the finance company. There is an arbitration award in favour of the finance company. Suppressing such award, the hirer initially filed a Civil Suit at Berhampore and failed to obtain an order of injunction therein. Suppressing the award and the first suit, the hirer filed another suit in the City Civil Court, Calcutta and obtained an order of injunction. The petitioner is now sought to be proceeded against for the alleged violation of the order of the City Civil Court, Calcutta.

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

Considering the fact that there subsist an award in favour of the finance company as claimed and considering the subsequent conduct of the hirer, 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 will report before 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.

The prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 2217 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)