

6 21.06.2022
(AD) Court No.29
(Allowed)

C.R.M. (A) 2662 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kalighat** P.S. Case No.**78 of 2021** dated **22/07/2021** under Sections **404/406/409/388/506/120B** of the Indian Penal Code.

And

In the matter of: Mahendra Kumar Jain

....petitioner.

Mr. Kalyan Bandopadhyay, Ld. Sr. Advocate
Mr. Probal Mukherjee, Ld. Sr. Advocate
Mr. Debanjan Mandal
Mr. Anuj Singh
Mr. Somopriyo Chowdhury
Mr. Ajay Agarwal
Mr. Sanket Sarawgi
Mr. Arka Banerjee

...for the petitioner.

Mr. Saswata Gopal Mukherji, Ld. PP
Mr. Madhusudan Sur, Ld. APP
Mr. Manoranjan Mahata

...for the State.

Mr. Debasis Roy, Ld. Sr. Advocate
Mr. Ayan Bhattacharya
Mr. Nilay Sengupta
Mr. Sujit Banerjee

... for the de facto complainant.

Petitioner prays for anticipatory bail.

Learned Senior Advocate appearing for the petitioner submits that the locker in respect of which the police complaint was lodged, stood in the joint name of the petitioner and his deceased daughter and opened prior to the marriage of his deceased daughter. He submits that the petitioner is sought to be falsely implicated and that the present police complaint is a counterblast to the proceedings under Section 498A of the Indian Penal Code lodged as against the husband and his family

members.

Learned Public Prosecutor appearing for the State draws the attention of the Court to the materials in the case diary including the statement recorded under Section 164 of the Code of Criminal Procedure. He submits that the locker was operated upon by the petitioner without giving due intimation of the death of his daughter to the bank in accordance with the Reserve Bank of India guidelines.

Learned Advocate appearing for the de facto complainant draws the attention of the Court to the observations made by the Court on February 24, 2022 recorded in CRM (A) 885 of 2022. He submits that the petitioner and the person obtaining the anticipatory bail on February 24, 2022 stands on a different footing. He contends that valuables of the de facto complainant were in the locker which the petitioner operated.

Two other co-accuseds were enlarged on anticipatory bail on February 24, 2022 in CRM (A) 885 of 2022.

In the facts of the present case, the petitioner is said to operate a locker standing in his name as well as in the name of his deceased daughter. The operation of the locker took place subsequent to the death of his daughter. It is claimed that the petitioner did not intimate the bank in terms of the appropriate guidelines of the Reserve Bank of India as to the death of his daughter prior to the operation of such locker.

It is claimed in the police complaint that, the de facto complainant kept valuables belonging to the de facto complainant in the locker operated upon by the petitioner. The

person claiming to give such valuables to be kept in such locker is a family member of the husband of the deceased.

There are issues with regard to title to the contents of the locker which was operated upon by the petitioner. Such issues are civil in nature.

There is an element of the present police complaint being a counterblast to the previous complaint under Section 498A being present also.

Considering the facts and circumstances of the present case, the materials in the case diary, the gravity of the offence and the involvement of the petitioner therein, we deem it appropriate 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 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 once a fortnight 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) 2662 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)