

20.06.2022
Serial no. 16
Aloke

CRM (A) 2842 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Chandannagar Police Station Case No. 246 of 2015 dated 06.12.2015 under Sections 341/323/325/379/506 of the Indian Penal Code.

-And-

In the matter of : **Samir Debnath**

... .. Petitioner

Mr. Sudipta Kr. Bose, Advocate

Ms. Lipika Nath, Advocate

... .. For the Petitioner

Ms. Zareen N. Khan, Advocate

Mr. Arup Sarkar, Advocate

... ..For the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that the present police complaint was lodged in order to falsely implicate the petitioner. He submits that the de facto complainant obtained a loan from the petitioner. The moment the petitioner is seeking to recover such loan, one police complaint after another are lodged against the petitioner. He refers to Annexure p-2 being page 15-A of the petition in support of his claim that there is a money transaction between the petitioner and the de facto complainant.

Learned Advocate appearing for the State draws the attention to the injury report of the victim and the materials in the case diary.

Apparently, the documents annexed to the anticipatory bail petition suggests that the petitioner lent and advanced money to the de facto complainant.

In such circumstances, the contention of the petitioner that is being falsely implicated cannot be discounted at this state.

The Court is informed that the police filed charge-sheet. In such circumstances, 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 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner is allowed.

CRM (A) 2842 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)