

17.06.2022
cm/ct 28
sl no. 157

C.R.M.(A) 2853 of 2022

In Re : An application for Anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Bowbazar P.S. Case No. 177 of 2021 dated 20.07.2021 under Sections 420/406/120B of the Indian Penal Code.

And

In Re : Om Panday @ Om Kumar Pandey

..... petitioner

Mr. Tarun Kumar Poddar

..... for the petitioner

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

..... for the State

It is submitted on behalf of the petitioner that there was a civil dispute between the parties. Cheques were dishonored in 2019 and the instant criminal case has been registered in 2021.

Learned lawyer for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. Allegation of cheating is to be assessed in the light of the submission that there was a civil dispute between the parties. There is considerable delay in First Information Report. Under such circumstances, we are of the opinion custodial interrogation is not necessary and petitioner may be granted anticipatory bail.

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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that petitioner requires to cooperate with the

investigation in accordance with law and meet the investigating officer once in a week until further orders whichever is earlier.

Petitioners shall appear before the court below and pray for regular bail within four weeks from date.

The application being CRM (A) No. 2853 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)

