

30.06.2022
Serial no. 42
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 3109 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Shakespeare Sarani** Police Station Case No. **217** of **2019** dated **07.11.2019** under Sections **408/120B** of the Indian Penal Code.

-And-

In the matter of : **Ajit Kumar**

... .. Petitioner

Mr. Apalak Basu,
Ms. Pritha Bhaumik
Mr. Abhradip Jha, Advocates
... .. For the Petitioner

Mr. Rudradipta Nandy, Id. APP
Ms. Sonali Das, Advocates
... ..For the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that there was a jural relationship between the petitioner and the de facto complainant. The petitioner issued a legal notice demanding a sum of Rs.30 lakhs 39 thousand from the de facto complainant. The petitioner subsequently came to learn about the present police complaint pursuant to a notice issued under Section 41A of the Criminal Procedure Code.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary. He submits that two vehicles belonging to the de facto complaint are in the possession of the petitioner.

The issue as to what amount is due to which party is an issue of fact and involves civil disputes.

The issue as to whether the petitioner is in possession of any vehicles belonging to the de facto complainant or not is again an issue of fact which again involves civil disputes.

In the 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 further condition that the petitioner shall report before the Investigating Officer once in a month till the conclusion of the investigation and on further condition that the petitioner shall appear on every date 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.

Prayer for anticipatory bail of the petitioner is **allowed.**

CRM (A) 3109 of 2022 is **disposed of.**

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)