

04.07.2022
Serial no. 16
[Dd]
(Anticipatory bail)
Allowed

CRM (A) 3113 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Kalitala Ashuti** Police Station Case No. **118** of **2021** dated **13.09.2021** under Sections **420/406** of the Indian Penal Code.

-And-

In the matter of : **Samim Mirja @ Mirja Mollai**

... .. Petitioner

Mr. Krishan Ray,
Mr. Anindya Ghosh, Advocates
... .. *For the Petitioner*

Mr. Binay kr. Panda,
Ms. Puspita Saha,
Mr. Raja Mondal, Advocates
... ..*For the State*

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that there is a proceeding under Section 138 of the Negotiable Instruments Act, 1881 pending against the petitioner in respect of dishonour of the same cheque. The police complaint relates to the same disorder of the cheque.

Learned advocate appearing for the State submits that the petitioner did not respond to the notices under Section 41A of the Criminal Procedure Code.

Considering the fact that there is another proceeding initiated under Section 138 of the Negotiable Instrument Act, 1881 in respect of the selfsame cheque over which, the present police complaint was lodged, 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) 3113 of 2022 is **disposed of.**

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)