

06.07.2022
Serial no. 08
[Dd]
(Anticipatory bail)
Allowed

CRM(A) 3115 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Burtolla** Police Station Case No. **87** of **2022** dated **19.04.2022** under Sections **120B/420/269/272** of the Indian Penal Code.

-And-

In the matter of : **Debasish Sadhu**

... .. Petitioner

Mr. Sekhar Kumar Basu, Id. sr. adv.
Mr. Antarikhya Basu,
Mr. Sayan Mukherjee,
Ms. Madhumita Basak,
Ms. Sohini Bardhan, Advocates
... .. For the Petitioner

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

Petitioner prays for anticipatory bail.

Learned senior advocate appearing for the petitioner submits that the petitioner was falsely implicated. He submits that the seizure list witnesses entered into the shop room of the petitioner on January 21, 2022 and threatened the petitioner with dire consequences. The mother of the petitioner lodged a complaint with the police with regard to such incident. He draws the attention of the Court to Title Suit no. 382 of 2022 filed by the sister of the petitioner against several defendants including Rajesh Pandey and Bapi Sreemani. Rajesh Pandey and Bapi Sreemani are the seizure list witnesses in the present case. The petitioner is, therefore, being falsely implicated.

Learned advocate appearing for the State draws the attention of the Court to the chemical examination report of the sample seized. He refers to the materials in the case diary.

There are allegations of adulteration of products sold by the petitioner.

Seizure of samples were made on January 21, 2022. Seizure were witnesses of two persons namely, Rajesh Pandey and Bapi Sreemani. Those two persons recorded statements under Section 161 of the Criminal Procedure Code. Those two persons curiously enough are parties to a suit for declaration and injunction filed by the sister of the petitioner prior in point in time being Title Suit no. 382 of 2022 pending before the learned Judge, II Bench City Civil Court, Calcutta.

In such Title Suit an order of injunction against the defendants including Rajesh Pandey and Bapi Sreemani was passed by the learned trial Judge. The appeal court rejecting the prayer preferred against the order of injunction. The contention of the petitioner that the petitioner is now being falsely implicated as a counter blast to previous title suit and with regard to previous complaint cannot be overlooked at this stage.

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 further condition that the petitioner shall report before the Investigating Officer at such time and place as may be specified by the Investigating Officer 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) 3115 of 2022 is **disposed of.**

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)