

05.07.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 3151 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Barasat** Police Station Case No. **325** of **2022** dated **17.05.2022** under Sections 420/406/506 of the Indian Penal Code, 1860.

And

In Re : Anupam Joardar

..... petitioner

Mr. Saryati Dutta
Mr. Subhendu Sengupta
Mr. Madan Mohan Roy
....for the petitioner

Mr. Kallol Mondal
Ms. Mohini Majumdar
Mr. Roshan Pathak
....for the de-facto complainant

Mr. S. S. Imam
Mr. R. Jana
Mr. P. Ghosh
....for the State

Leave granted to the learned advocate appearing for the petitioner to correct the cause title and the prayer portion of the application.

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner without prejudice to the rights and contentions transferred Rs. 80,000/- to the amount of the de-facto complainant. According to him, no other money is due and payable by the petitioner to the de-facto complainant.

State and the de-facto complainant are represented.

In the facts and circumstances of the present case, disputes with regard to the money lent in advance are involved. The element of civil disputes between the private parties cannot be overlooked.

In such circumstances, we 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/-, 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 meet the Investigating Officer once a month till the conclusion of the investigation and on 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)