

18.07.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 3373 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bishnupur** Police Station Case No. **310** of **2022** dated **09.05.2022** under Sections 376/506 of the Indian Penal Code, 1860.

And

In Re : Subhash Kaybartta

..... petitioner

Mr. Arindam Jana

Mr. Arhan Sengupta

....for the petitioner

Mr. Bidyut Kumar Roy

Ms. Rita Dutta

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the police complaint was registered pursuant to an order passed under Section 156(3) of the Code of Criminal procedure (Cr.P.C.). The petitioner lent and advanced money to the de-facto complainant. When the petitioner demanded the refund of the money, the police case was lodged.

Learned advocate appearing for the State draws the attention of the Court to the Statement of the victim recorded under Section 164 of the Code of Criminal procedure (Cr.P.C.).

The 164 Cr.P.C. statement of the victim speaks of the money transaction.

In view of the materials in the case diary and in view of the statement of the victim, 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 as and when called for 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.)

