

20.07.2022
09
Ct. No. 29
KAUSHIK
Allowed

C.R.M.(A) 3409 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kalyani** Police Station Case No. **239** of **2022** dated **20.05.2022** under Sections 420/406/506/34 of the Indian Penal Code, 1860.

And

In Re : Sumit Raha & Anr.

..... petitioners

Mr. Sekhar Kumar Basu
Mr. Pradip Kumar Tarafder
Mr. Sambuddha Dutta
Mr. Satadru Lahiri
....for the petitioners

Mr. Binoy Panda
Mr. Subham Bhakat
....for the State

Petitioners pray for anticipatory bail.

Learned senior advocate appearing for the petitioners submits that, the police complaint is in relation of disputes relating to a partnership firm. According to him, the disputes are civil in nature. His clients complied with the notice issued under Section 41A of the Code of Criminal Procedure (Cr.P.C.).

Learned advocate appearing for the State submits that, although the petitioners complied with the 41A Cr.P.C. notice initially, they failed to comply with the subsequent notice.

The police complaint relates to incidents of a partnership firm and its dealings. Elements of civil disputes are involved.

In such circumstances, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, 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 no. 1 (Sumit Raha) shall meet the Investigating Officer once a fortnight till the conclusion of the investigation and petitioner no. 2 (Nandita Raha) shall cooperate with the Investigating Officer till the conclusion of the investigation and on condition that the petitioners 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 petitioners 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.)

