

03.08.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 3711 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Beliaghata** Police Station Case No. **51** of **2022** dated **20.05.2022** under Sections 420/406/506(II) of the Indian Penal Code, 1860.

And

In Re : Shri Bhola Nath Shaw

..... petitioner

Mr. Sudipto Moitra, Senior Advocate
Mr. Vijay Verma
Mr. Dwaipayan Biswas
....for the petitioner

Mr. Sabyasachi Banerjee
Mr. Ayan Bhattacharya
Mr. Anand Keshari
Mr. Arindam Halder
....for the de-facto complainant

Mr. Rudradipta Nandy
Ms. Sonali Das
....for the State

Petitioner prays for anticipatory bail.

Learned senior advocate appearing for the petitioner submits that, the de-facto complainant raised a claim in excess of Rs.87 lakhs in respect of transaction of 2017-2018. He submits that, the petitioner is of advanced age. According to him, no amount is due and payable.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary.

Learned advocate appearing for the de-facto complainant refers to the statement of the petitioner made before the Jurisdictional Court while seeking anticipatory bail. According to him, the petitioner acknowledged an amount of Rs.87,25,512/- to be due and payable by the petitioner to the de-facto complainant.

There are disputes between the private parties, which are civil in nature. Accounts between the private parties are required to be taken as to ascertain the amount due and payable by the petitioner to the de-facto complainant as claimed or not.

Paragraph 2 of the application for anticipatory bail before the Jurisdictional Court cannot be construed to be an unconditional acknowledgment of liability made by the petitioner in favour of the de-facto complainant. The issue of advanced age as contended on behalf of the petitioner also requires consideration.

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 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.)