

CRM No.7517 of 2021

Via video conference

11.01.22

(S.R.)
Sl.06
Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Girish** Park Police Station F.I.R. No.64 dated 12/04/2021 under Sections 120B/420/406/506/380 of the Indian Penal Code (G.R. Case No.434 of 2021);

And

In re: Smt. Purabi Dey & Ors.

... petitioners.

Mr. Imtiaz Ahmed
Mrs. Ghazala Firdaus
Md. Malik Uddin
Sk. Saidullah
Ms. Arunima Mukhopadhyay

... for the petitioners.

Mr. Madhu Sudan Sur, Ld. APP
Mr. Monoranjana Mahata

...for the State.

Mr. Ahmed, learned advocate appearing for the petitioners submits that the allegations levelled against the petitioners are absolutely unfounded and they have been falsely implicated. The dispute has a civil profile and the petitioners are also ready and willing to refund an amount of Rs.12,15,000/- to the complainant.

He further submits that the petitioners have complied with the earlier order passed by this Court and have met with the investigating officer and even offered to refund the said amount of Rs.12,15,000/- to the complainant. In the said conspectus, custodial interrogation of the petitioners is not warranted.

Mr. Sur, learned Additional Public Prosecutor appearing for the State submits that pursuant to the earlier order, the petitioners did meet with the investigating officer and offered to refund the amount of Rs.12,15,000/- to the complainant. In support of such contention, Mr. Sur has drawn our attention to the statement of the complainant, as

recorded, wherein he had, *inter alia*, stated that the total due is of Rs.18,00,000/- and he did not accept the Rs.12,15,000/- as offered.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, it appears that the dispute has a civil profile. Considering the nature of allegations and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest the petitioners, namely, **1. Smt. Purabi Dey, 2. Smt. Mira Chatterjee and 3. Shri Sudip Chatterjee** will be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further direction that the petitioners shall cooperate with the investigation and the petitioner no.3 shall meet with the investigating officer once in a week till investigation is complete.

It is further directed that the petitioners shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioners fail to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel their bail without any further reference to this Court.

The application for anticipatory bail being CRM No.7517 of 2021 is, accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)