

04.01.2022
Item no. 267
Court No.32
Avijit Mitra

C.R.M. 7807 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re : Amit Kumar Singh

.... petitioner

Mr. Gaganjyot Singh,
Mr. Ashish Dutta

....for the petitioner

Mr. P.K. Dutta,
Mr. Subrato Roy

..... for the State

Apprehending arrest in connection with Uttarpara Police Station Case No.366 of 2021 dated 06.09.2021 under Sections 420/406/504/506 of the Indian Penal Code, the present application has been preferred.

Mr. Singh, learned advocate appearing for the petitioner submits that the *de facto* complainant was inducted as a tenant under the petitioner in a flat at a monthly rental of Rs.4,000/-. The *de facto* complainant vacated the flat in the month of May, 2021. In the complaint, she had alleged that an advance amount paid to the petitioner had not refunded though possession has been surrendered. According to Mr. Singh, the dispute has a civil profile and the ingredients of Sections 420/406 are not attracted. In view thereof, custodial interrogation is not warranted.

Mr. Dutta, learned advocate appearing for the State opposes the petitioner's prayer and submits that the petitioner did not comply with Section 41A notice.

Mr. Singh in reply submits that the petitioner was called by the Investigating Officer and he duly met with him. His signature was obtained in the 41A notice but no copy was supplied to him.

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, it cannot be ruled out that the dispute has a civil profile. Considering the nature of allegations and the extent of complicity of the petitioner 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 petitioner, namely, **Amit Kumar Singh**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) 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 condition that the petitioner shall meet with the Investigating Officer of the case once a week till the investigation is over.

The petitioner shall attend the learned Trial Court on all the dates as specified for hearing.

The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable

cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for anticipatory bail being C.R.M. 7807 of 2021 is 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.)