

22.08.2022

19

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 3976 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Gaighata** Police Station Case No. **786** of **2021** dated **31.08.2021** under Sections 408/420/120B of the Indian Penal Code, 1860.

And

In Re : Suvankar Roy

..... petitioner

Mr. Sourav Chatterjee
Mr. Francis Samson Correa
Mr. Sunny Nandy
Ms. Kiran Kumari Mahato
....for the petitioner

Mr. Ranadeb Sengupta
....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner stands on the same footing as that of the other co-accused, who was granted anticipatory bail by the order dated June 29, 2022 passed in CRM(A) 655 of 2022.

Learned advocate appearing for the State submits that, the petitioner is not in the same footing as that of the other co-accused. He highlights the differences between the petitioners. According to him, the petitioner before us is an employee of the de-facto complainant. The petitioner is guilty of defalcating fund belonging to the de-facto complainant.

In reply, learned advocate appearing for the petitioner submits that, both the petitioner and the other co-accused, who was enlarged on anticipatory bail, were ex-employees of the de-facto complainant. After they left their job, they opened a legal entity to which, they were having business transaction with the de-facto complainant. Accounts are required to be taken to ascertain the liability, if there be any, between the parties.

The co-accused was granted anticipatory bail and the present petitioner is the husband-wife in relation. Apparently, they were employees of the de-facto complainant.

Apparently, again, they opened a legal entity, through which they were having business transactions with the de-facto complainant after they left their employment.

Apparently, there are disputes and differences between the de-facto complainant and such legal entity.

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 once a fortnight 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.)