

31.08.2022
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allowed

CRM(DB) No. 2833 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Burdwan Police Station Case No. 171 of 2022 dated 17.02.2022 under Sections 420/406/386/120B of the Indian Penal Code.

And

In Re : Soumitra Dutta petitioner

Mr. Sekhar Kumar Basu, Sr. Adv.

Mr. Ranjan Saha

Ms. Ankita Saha

.....for the petitioner

Mr. Sudip Ghosh

Mr. Apurba Kumar Datta

..... for the State

Mr. Uday Sankar Chattopadhyay

Mr. Santanu Maji

Ms. Trisha Rakshit

..... for defacto complainant

Learned Counsel for the petitioner submits he is in custody for 42 days. It is also submitted that dispute arose out of a commercial transaction and money had been paid to the co-accused, Manjulika Dutta.

Learned Counsel appearing for the State opposes prayer for bail.

Learned Counsel appearing for the defacto complainant submits petitioner is the developer of the property and on his assurance monies were paid to the co-accused, Manjulika Dutta.

We have considered materials on record. Nature of allegation requires to be assessed in the light of the submission that the dispute arose out of a commercial transaction. Relevant

documents have already been seized in the course of investigation. Liability of the petitioner to pay the defacto complainant may be adjudicated at the appropriate forum. However, keeping in mind the aforesaid facts, we are of the opinion that further detention of the petitioner is not necessary and he may be granted bail.

Accordingly, we direct that the petitioner 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 learned Chief Judicial Magistrate, Burdwan, on condition that he shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and he shall appear before the trial court on every date of hearing and on further condition that the petitioner shall co-operate with investigation and he shall meet the investigating officer once in a week until further orders.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)