

CRM 8277 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Subhas Das**

..... petitioner

Mr. Kajal Ray

.....For the petitioner

Mr. Manoranjan Mahata

.....For the State

Apprehending arrest in connection with Bhadreswar Police Station Case No. 441 of 2021 dated 12.10.2021 under Sections 419/420/467/468/471 of the Indian Penal Code, the instant application for anticipatory bail is filed.

Mr. Ray, learned advocate appearing for the petitioner submits that the de facto complainant executed two power of attorney instruments in favour of the petitioner. On the basis of the same, property was transferred and appropriate payment was also made to the de facto complainant. The complaint was thereafter lodged belatedly. Such delay has also not been explained and in the said conspectus, custodial interrogation is not warranted.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses and other materials in the case diary including the power of attorney. He further submits that investigation is still continuing.

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 accusations 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 allow this application and direct that in the event of arrest the petitioner, namely, **Subhas Das** shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 direction that the petitioner shall meet with the investigating officer of the case once a week till investigation is complete.

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses. He shall also attend learned Court below on all the dates, as specified for hearing.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM 8277 of 2021, is, thus, disposed of.

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

(Md. Nizamuddin, J.)

(Tapabrata Chakraborty, J.)