

13.01.2022

Court No.32
rpan/ 17

C.R.M. 8325 of 2021

[Via video Conferencing]

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

And

In re: **Pabitra Kumar Saha**

- Petitioner.

Mr. Sumitava Chakraborty

... for the Petitioner.

Mr. Swapan Banerjee,

Ms. Purnima Ghosh

... for the State.

Apprehending arrest in connection with Newtown Police Station Case No.227 of 2021 dated 13.07.2021 under Sections 420/406 of the Indian Penal Code, the petitioner has filed the present application.

Mr. Chakraborty, learned advocate appearing for the petitioner submits that there is a long-standing dispute between the parties and the petitioner has been falsely implicated by the *de facto* complainant, who is his brother. The petitioner has complied with notices under Sections 41A and 91 of the Code, as issued. In view thereof, the petitioner may be granted anticipatory bail.

Mr. Banerjee, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary. He, however, does not dispute that the petitioner has complied with Section 41A notice.

Heard the learned advocates 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. As such, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Pabitra Kumar Saha** 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 further condition that he shall cooperate with the investigation and meet the Investigating Officer of the case as and when called for.

It is further directed that the petitioner shall attend the learned court below on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

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 No.8325 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.)