

21.01.2022
Item no. 04
Court No.32
Avijit Mitra

C.R.M. 8560 of 2021 (Through Video Conferencing)

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

And

In Re : Sri Deb Narayan Nayek & anr.

.... petitioners

Mr. Saryati Datta

....for the petitioners

Mr. Arijit Ganguly,

Mr. Sanjib Kumar Dan

..... for the State

Apprehending arrest in connection with Kotwali Police Station Case No.874 of 2020 dated 16.11.2020 under Sections 420/406/120B of the Indian Penal Code, the present application has been preferred.

Mr. Datta, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated in a dispute pertaining to a partnership deed executed amongst the parties. The money which has been tendered pertains to profit of the partnership business. The dispute has a civil profile and in the said conspectus, custodial interrogation is not necessary.

Mr. Dan, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statement of the witnesses as recorded under Sections 161 and 164 of the Code and other materials in the case diary.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, the dispute has a civil profile. Considering the nature of allegations and the extent of complicity of the petitioners, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest, the petitioners namely, **Sri Deb Narayan Nayek and Smt. Shipra Nayek**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) with two sureties of like amount each, 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 direction that petitioners shall cooperate with the investigation.

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

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

It is made clear that in the event the petitioners fail to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioners' bail without any further reference to this Court.

The application for anticipatory bail being C.R.M.8560 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.

(Ajoy Kumar Mukherjee, J.) (Tapabrata Chakraborty, J.)

