

12.09.2022
Serial no. 08
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 4174 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Chanditala** Police Station Case No. **393** of **2022** dated **10.08.2022** under Sections **420/406/506** of the Indian Penal Code.

-And-

In the matter of : **Subrata Indu**

... .. Petitioner

Mr. Pawban Gupta,
Ms. Sofia Nesar, Advocate
... .. *For the Petitioner*

Mr. Sudip Ghosh,
Mr. Bitasok Banerji, Advocates
... ..*For the State*

Mr. Sanjay Banerjee,
Mr. Joydeep Bhattacharjee, Advocates
... ..*For the de facto complainant*

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated. There are civil disputes pending between the private parties. The claim relates to a mortgage. The de facto complainant is apparently secured by mortgage of title deed.

State and the de facto complainant are represented.

Learned advocate appearing for the de facto complainant submits that the upon failure of the petitioner to repay the loan, the same was restructured. Even thereafter, the petitioner is not paying the loan.

Apparently, there are civil disputes between the private parties. Loan granted was on security of mortgage by deposit of title deed.

In such circumstances, we are inclined to 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/- (Rupees Ten Thousand Only), 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 report before the Investigating Officer once in a month till the conclusion of the investigation and on further 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.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 4174 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)