

16 04.01.2022
(AD)
Court No.29
(Allowed)

**C.R.M. 8959 of 2021
(Via Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bagnan** P.S. Case No. **455 of 2019** dated **31/10/2019** under Sections **420/406** of the Indian Penal Code.

And

In the matter of: Hema Das

....petitioner.

Md. Sarwar Jahan

...for the petitioner.

Mr. Rudradipta Nandy

...for the State.

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the disputes are purely commercial in nature. The nationalized bank can invoke such provisions of law to recover the loan as they are entitled to in law.

Learned Advocate appearing for the State submits that the petitioner obtained a loan of Rs.10.5 lacs and did not repay the same despite compromise being arrived at in the Lok Adalat.

Considering the fact that the transactions are civil in nature and considering the fact that the nationalized bank can invoke the provisions of the SARFAESI Act for the purpose of recovery and considering the materials in the case diary , we 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/- with two sureties of like amount each to the

satisfaction of the Arresting Officer and also 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 will cooperate with the investigation and shall appear before the jurisdictional Court and pray for regular bail within four weeks from date.

The application for anticipatory bail being C.R.M. 8959 of 2021 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)