

29.09.2022.
03.
as
(Allowed).

C.R.M. (A) 4596 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Bhabanipur P. S. Case No.241 of 2022 dated 08.09.2022 under Sections 406/420/506 of the Indian Penal Code.

In the matter of : Billapada Bhowmik.

... Petitioner.

Mr. G. Mustafa,
Mr. T. S. Samanta.

...for the Petitioners.

Mr. M. Sur, Id. A.P.P.,
Mr. M. Mahata.

.....for the State.

It is submitted on behalf of the petitioner he has been falsely implicated in the instant case. There is inordinate delay over a decade in lodging the FIR.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail. He submits petitioner had taken money from de-facto complainant on the false promise of giving employment in primary school.

We have considered the materials on record. It is alleged in the FIR that petitioner had taken a sum of Rs.3 lakhs in 2012. He refunded Rs.1 lakh in 2014. No complaint was lodged for about a decade.

In view of the inordinate delay in lodging FIR, we are of the opinion custodial interrogation for progress of

investigation is not necessary and the petitioner may be granted anticipatory bail.

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 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 appear before the trial court and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)