

31.10.2022
Serial no. 09
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 4598 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Jadavpur** Police Station Case No. **166** of **2022** dated **17.08.2022** under Sections **409/120B** of the Indian Penal Code.

-And-

In the matter of : **Raj Kumar Prasad @ Fitting Babu**
... .. Petitioner

Mr. Sekhar Kumar Basu, Id. Sr. adv.
Mr. Kusal Kumar Mukherjee,
Mr. Diptangshu Basu, Advocates
... .. *For the Petitioner*

Mr. Sudip Ghosh,
Mr. Apurba Kr. Datta, Advocates
... ..*For the State*

Mr. Sandipan Ganguly, Id. Sr. adv.
Mr. Rajesh Upadhyay,
Ms. Manaswita Mukherjee,
Ms. Surabita Biswas,
... ..*For the de facto complainant*

Petitioner prays for anticipatory bail.

Learned senior advocate appearing for the petitioner submits that the petitioner returned the goods gathered under three trucks pursuant to order passed by the learned Chief Judicial Magistrate. He submits that the custodial interrogation of the petitioner is not required.

Learned advocate appearing for the State submits that out of 7 trucks, 6 stands accounted for. One is still missing. The money trail is required to be investigated into also.

De facto complainant acknowledges receipt of 3 trucks pursuant to order passed by the learned Chief Judicial

Magistrate. He also acknowledges receipt of the other 3 trucks. He, however, contends that the quantity of the materials deteriorated in the interregnum.

Apparently there are issues between the private parties which are civil in nature.

Major portion of the goods stands accounted for.

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 fortnight 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) 4598 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

