

03.11.2022
09
Ct. No. 29
KAUSHIK
Allowed

C.R.M.(A) 4854 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Muchipara** Police Station Case No. **149** of **2022** dated **02.08.2022** under Sections 420/408 of the Indian Penal Code, 1860.

And

In Re : Udayan Hazra

..... petitioner

Mr. Debojyoti Deb
Ms. Somdyuti Parek

....for the petitioner

Ms. Sonali Das

....for the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. The petitioner manufactured gold jewelry in accordance with the specifications given by the de-facto complainant. The de-facto complainant supplied the gold. He refers to the police complaint. He submits that, the de-facto complainant discovered discrepancy in the quantum of the gold in the year 2021 and, thereafter, approached the police through Section 156(3) of the Code of Criminal Procedure (Cr.P.C.).

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the 161 Cr.P.C. statements.

Apparently, the de-facto complainant and the petitioner were in commercial transactions. Accounts are required to be taken to ascertain as to whether or not there is any defalcation on the part of the petitioner.

In such circumstances, 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 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 meet the Investigating Officer once a fortnight till the conclusion of the investigation and on 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

