

04.11.2022
Serial no. 10
[Dd]
(Anticipatory Bail)
(**Allowed**)

CRM (A) 5058 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Burtolla** Police Station Case No. **122** of **2022** dated **01.06.2022** under Sections **420/406/120B** of the Indian Penal Code bearing G.R. NO. **684 of 2022.**

-And-

In the matter of : **Babu Singh & Anr.**
... .. **Petitioners**

Mr. Tarique Quasimuddin
Mr. Zainab Tahur, Advocates
... .. *For the Petitioners*

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

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that the disputes are civil in nature. There is a suit filed by the de facto complainant in which, there exists an order of injunction. The mother of the petitioners was granted anticipatory bail by the co-ordinate Bench.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary. He submits that apart from the loan that the mother of the petitioner took, the first petitioner also took gold jewellery from the de facto complainant.

Apparently, the police complaint arose out of a commercial transaction. The mother of the petitioners allegedly took a loan on certain obligations. According to the petitioners, upon the mother of the petitioners failing to repay such loan,

possession of three rooms were taken. There is a subsisting civil suit in which there subsists an order of injunction.

The mother of the petitioners was enlarged on anticipatory bail by the co-ordinate Bench.

In such circumstances, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 1 shall report before the Investigating Officer once in a fortnight till the conclusion of the investigation and petitioner no. 2 shall cooperate with the investigation till its completion and on further condition that the petitioners 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

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

CRM (A) 5058 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)