

28.11.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 5498 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **English Bazar** Police Station Case No. **1445** of **2022** dated **21.09.2022** under Sections 363/365/506/109 of the Indian Penal Code, 1860.

And

In Re : Gopal Karmakar & Anr.

..... petitioners

Mr. Rana Mukherjee

....for the petitioner

Mr. Navanil De

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the victim took money from the petitioners on the promise of providing government job. The victim issued fake appointment letters in favour of the petitioners. Upon the appointment letters being discovered to be fake, the cheque that was issued for returning money taken, was dishonoured on presentation. Thereafter, the present police complaint was lodged.

Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.).

Apparently, it is claimed in the petition for anticipatory bail that, there was a transaction between the private parties in

the nature as contended on behalf of the petitioner and as recorded in this order.

In such circumstances, the issue of false implication of the petitioners cannot be overlooked at this stage.

Consequently, we 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/- 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 petitioners shall meet the Investigating Officer as and when called for till the conclusion of the investigation and on 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

