

08.12.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 5713 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Golabari** Police Station Case No. **280** of **2022** dated **18.07.2022** under Sections 379/406/506 of the Indian Penal Code, 1860.

And

In Re : Jyoti Kishan Mishra

..... petitioner

Mr. Arnab Sinha

Mr. Abhradip Jha

Mr. Amartya Basu

....for the petitioner

Mr. Sourav Chatterjee

Mr. Bikram Mitra

....for the de-facto complainant

Mr. Sujan Chatterjee

....for the State

There is a previous proceeding under Section 498A of the Indian Penal Code, 1860 lodged by the petitioner.

State and the de-facto complainant are represented.

Learned advocate appearing for the de-facto complainant submits that, the petitioner took away ornaments and two bangles belonging to the de-facto complainant. The petitioner is not responding to the notices issued under Section 41A of the Code of Criminal Procedure. He submits that, the ornaments spoken of by the police belongs to the de-facto complainant as 'stridhan' articles.

Admittedly, the present police complaint is second in point of time.

The issues as to whether the ornaments were stolen or whether they were made over by the de-facto complainant to the petitioner are issues to be decided at the trial. The materials in the case diary does not suggest need for custodial interrogation 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 cooperate with the Investigating Officer 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.)

