

29.12.2022

cm/ct 8

sl no. 14

C.R.M. (A) No. 6111 of 2022

In Re : An application for Anticipatory bail under section 438 of the Code of Criminal Procedure in connection with **Tamluk P.S Case No. 1001** dated **03.11.2022** under Sections **420/467/468/471/472/474** of the Indian Penal Code.

And

In Re : Chandan Kumar Das

..... petitioner

Mr. Rajdeep Majumder
Mr. Moyukh Mukherjee
Mr. Pritam Roy
Ms. Shyanti Podder

... for the petitioner.

Mr. Neguive Ahmed
Ms. Debjani Sahu

..... for the State

Mr. Tarasankar Samanta

.... for the de-facto complainant.

Learned counsel appearing for the accused petitioner submits that he has been falsely entangled with the alleged offence. He joined in the course and attended the study centre and after that alleged certificate was issued by the study centre in his favour. Learned counsel further submits that there is no necessity of custodial interrogation in respect of the alleged offence. He pressed that he may be granted anticipatory bail.

Learned Counsel appearing for the State vehemently opposes the prayer for anticipatory bail filed by the accused petitioner. He submits that there is no existence of the study centre who allegedly issued the certificate in favour of the petitioner. He further submits that the investigation process is at nescient stage and if at this stage anticipatory bail is granted to the accused petitioner, then there is every chance of hampering of the process of investigation.

So he prays that the anticipatory bail filed by the accused petitioner may be rejected.

We have considered the rival submissions advanced by both the parties as well as gone through the materials gathered in the case diary by the investigating agency.

It is alleged in the FIR that the accused petitioner allegedly procured a fake certificate in his favour. Whether the accused petitioner intentionally procured a fake certificate or he is a victim of fraud is required to be assessed in the course of the trial. We are of the opinion that custodial interrogation of the accused petitioner may not be necessary in the facts of the present case.

Considering the entire scenario and materials gathered in the case diary, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner i.e. Chandan Kumar Das shall be granted anticipatory bail upon furnishing a bond of Rs. 20,000/- with two sureties of like amount each, to the satisfaction of the Arresting Officer. The accused petitioner shall comply with the provisions as embodied in Section 438(2) of the Code of Criminal Procedure, 1973. The accused petitioner shall make himself available before the investigating agency once in a week till the conclusion of the investigation. The accused petitioner is further directed that he should not leave the jurisdiction of Nandigram police station except for the purposes of attending court proceeding and shall appear every day before the jurisdiction court on an from the date fixed for appearance of the accused petitioner and in default the

jurisdictional court will pass appropriate order to secure the presence of the petitioner in court cancelling the anticipatory bail granted without further reference to this court..

Petitioner shall appear before the court below and pray for regular bail within four weeks from date.

The application being CRM (A) No. 6111 of 2022 is disposed of.

(Prasenjit Biswas, J.)

(Abhijit Gangopadhyay, J.)