

02.03.2022

COURT : 01
ITEM : 29
MATTER : 438
STATUS : ALLOWED
TRANSCRIBER : Saswata

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

CRM (A) 56 of 2022

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Malbazar Police Station Case No. 764 of 2021 dated 27.12.2021 under Sections 341/323/376/511/506/34 of the Indian Penal Code.

And

In the matter of : **Debasis @ Debasish Bhowmick & Ors.**

...Petitioners

Mr. Ritam Chowdhury

Mr. Debajit Kundu

...for the Petitioners

Mr. Kallol Acharjee

Mr. Sagnik Sankar Sikdar

...for the State

Apprehending arrest, the petitioners have filed the instant application for anticipatory bail in connection with Malbazar Police Station Case No. 764 of 2021 under Sections 341/323/376/511/506/34 of the Indian Penal Code.

Learned advocate for the petitioners submits that the petitioners have been falsely implicated with the aforementioned case. It is submitted that the petitioners and the *de facto* complainant were working in a pharmaceutical company and the moment the interrogation was made against the petitioner pertaining to the defalcation of funds, she immediately resigned and took away the account register. To shed her misdeeds, the present case has been filed against the petitioners.

Learned advocate for the State opposes the prayer for bail and relies upon the complaint by the *de facto* complainant and her statement recorded under Section 161 of the Code of Criminal Procedure.

After perusing the complaint as well as the statement of the victim lady, *prima facie*, we find disparity in her stand and ingredients pertaining to Section 376 of the India Penal Code is conspicuously absent. We, thus, find that there is no need for custodial interrogation of the petitioners.

As such, the prayer for anticipatory bail is ***allowed***.

Accordingly, in the event of arrest the petitioners namely **Debasis @ Debasish Bhowmick, Santanu Chowdhury, Samantak Ray Chowdhury & Debasish Chakraborty** shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local to the satisfaction of the arresting officer on further condition as enshrined under Section 438(2) of the Code of Criminal Procedure and on further condition that the petitioners shall meet the Investigating Officer once in a fortnight.

The application being CRM (A) 56 of 2022 is accordingly disposed of.

(Harish Tandon, J)

(Rabindranath Samanta, J)