

12.05.2022

Item no.16
Court No.01
Avijit Mitra

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

CRM (A) 252 of 2022

In Re:- An application for anticipatory bail under Section 438 of
the Code of Criminal Procedure;

And

In Re : Amit Barui @ Amit Barai

.... petitioner

Mr. Hillol Saha Poddar,
Mr. Sayantan Bhowmik,
Ms. Mousumi Das

....for the petitioner

Mr. Kallol Acharjee,
Mr. Saikat Chatterjee

..... for the State

Apprehending arrest in connection with Ghoksadanga
Police Station Case No.76 of 2022 dated 1st March, 2022 under
Sections 406/420 of the Indian Penal Code, the present
application has been preferred.

Mr. Poddar, learned advocate appearing for the
petitioner submits that the allegations levelled against the
petitioner are absolutely unfounded. No amount was paid by the
de facto complainant to the petitioner and in fact the *de facto*
complainant obtained a loan from a private financial company
and could not repay the same. In the said conspectus, custodial
interrogation may not be necessary.

Mr. Acharjee, learned advocate appearing for the State
opposes the petitioner's prayer and draws our attention to
several documents in the case diary.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, the dispute has a civil profile. Considering the nature of allegations and the possible extent of complicity of the petitioner in the alleged offence, we are of the opinion that his custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest, the petitioner namely, **Amit Barui @ Amit Barai** be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further direction that the petitioner shall meet with the Investigating Officer of the case once a week till the investigation is complete and the petitioner shall also attend the learned Court below on all the dates as specified for hearing.

It is further directed that the petitioner shall not tamper with the evidence or intimidate the witnesses.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel petitioner's bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail CRM (A) 252 of 2022 is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Ajoy Kumar Mukherjee, J.) (Tapabrata Chakraborty, J.)