

02.06.2022
(Vacation)
SL No.5
Ct. 5
Saswata
(Allowed)

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

CRM (A) 283 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Siliguri** P.S. Case No. **1423/2021** dated **19.12.2021** under Sections **406/420/465/468/471/120(B)** of the Indian Penal Code 1860.

And

In the matter of: **Sanjay Ghosh @ Sanjoy Ghosh & Anr.**

....Petitioners

Mr. Sayan De
Mr. Kanjilal Sayan
Mr. Koustuv Shome
Ms. Esha Acharyya

...for the Petitioners

Mr. Niloy Chakraborty
Mr. Tapan Bhattacharjee

...for the State

Learned counsel for the petitioners submits as follows. The petitioners are the brothers of the *de facto* complainant in this case. It was alleged that some money was kept in a joint bank account held by the parents of the present petitioners. The mother died and the younger son was inducted as an account holder. Being aggrieved, the sister instituted the present case. A Civil suit is also pending in this regard.

Learned counsel on behalf of the State opposes the prayer and submits that a prima facie case is made out against the petitioner.

Considering the fact that the allegations primarily give an inkling of a civil dispute between siblings, we do not think that

custodial interrogation of the present petitioners is required in this case.

The prayer for anticipatory bail is, accordingly, ***allowed***.

Accordingly, we direct that in the event of arrest, the petitioners namely, **Sanjay Ghosh @ Sanjoy Ghosh & Saikat Ghosh** shall be released on bail upon furnishing a bond of 5,000/- (Rupees Five thousand only) each with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer.

(Jay Sengupta, J.)

(Sugato Majumdar, J .)