

09.01.2023
tkm/ct 28
sl no. 42

C.R.M. (DB) 54 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Baguiati P.S case no. 471 of 2022 dated 13.10.2022 under sections 420/406/341/325/326/379/506/34 of the IPC

Allowed In Re : Chiranjib Ghosh @ Bapi Ghosh petitioner

Mr. Ayan Bhattacharjee
Mir Anowar

..... for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta

..... for the State

Mr. Amitabha Karmakar
Mr. Arnab Neogi

..... for the de facto complainant

Petitioner is in custody for 45 days. It is submitted there was a civil dispute between the parties. Further detention for progress of investigation is not necessary.

Learned lawyer for the State opposes the prayer for bail and submits victim suffered grievous injury.

Learned lawyer for the de facto complainant submits that the petitioner had induced him to pay a sum of Rs. 1.35 crores on the false promise of transferring 50% of the shares in the company. Not only he failed to do so, he assaulted the de facto complainant resulting in injury.

We have considered the materials on record. The case arises from a dispute which essentially centers around breach of terms of a commercial agreement. It is contended that the scuffle occurred in the course of the discussion regarding settlement of the dispute. Whether the petitioner had dishonest intention from the inception of the transaction requires to be assessed at the appropriate stage of the proceeding. Further detention of the

petitioner for progress of investigation is not necessary but his movement requires to be restricted in order to ensure confidence and security to the de facto complainant and his witnesses.

Accordingly, the petitioner be released on bail upon furnishing a bond of Rs. 20,000/- with two sureties of like amount each, one of whom must be local to the satisfaction of the learned CJM, North 24 Parganas at Barasat on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not enter the jurisdiction of Baguiati P.S until further orders except for purpose of meeting investigating officer and shall provide address where he shall presently reside to the investigating officer as well as to the court below and shall report to the officer in charge of the P.S concerned within whose jurisdiction he shall presently reside once in a week until further orders.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM (DB) 54 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)