

06.02.2023

Sl.10
Court No.29
(AD)
(Allowed)

C.R.M. (A) 443 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with G.R. Case No.87/2023 arising out of **Nandakumar** Police Station Case No. **12 of 2023** dated **09.01.2023** under Sections **406/420/467/468/409/120B/34** of the Indian Penal Code.

And

In the matter of: **Santanu @ Sutanu Maiti**

....petitioner.

Mr. Ramdulal Manna
Ms. Manju Manna (Dey)
Mr. Sayan Mukherjee
Ms. Payel Khanra
Ms. Mitali Mondal

...for the petitioner.

Mr. Rudradipta Nandy, Ld. APP
Ms. Sonali Das

...for the State.

Mr. Rithik Pattanayak

... for the Contai Co-operative Bank Limited.

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner purchased a fishing vessel bona fide and without notice of the alleged hypothecation in favour of the bank. He submits that the petitioner made necessary enquiries with the association and government authorities and thereafter made payment by cheque and by cash.

State and the de facto complainant are represented.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary.

Learned Advocate appearing for the de facto complainant

submits that the de facto complainant wrote a letter to the Assistant Director of Fisheries to endorse the bank hypothecation against the fishing vessel.

Apparently, the vendor of the fishing vessel obtained loan on hypothecation of the fishing vessel. Apparently, the bank wrote a letter to the Assistant Director of Fisheries in order to ensure the bank's hypothecation in respect of the fishing vessel. The document does not show such endorsement was recorded. The officials of the bank apparently were not up and coming with protection of the rights of the bank.

In such circumstances, since no registration of the claim for hypothecation appears to be any public document, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, 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 and on condition that the petitioner will report before the Investigating Officer as and when called for till the conclusion of the investigation and on condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 443 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)