

09.02.2023

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 595 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Beniapukur** Police Station Case No. **18** of **2023** dated **06.01.2023** under Sections 365/506/34 of the Indian Penal Code.

And

In Re : Nitya Kamal Das @ Sri Nitya Kamal Das

..... petitioner

Mr. Prosenjit Mukherjee

Mr. Aslam Parvej

....for the petitioner

Mr. Debabrata Chatterjee

Mr. Santanu Chatterjee

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner refers to the order dated February 3, 2023 passed in WPA 27131 of 2022 of CAN 1 of 2023. He submits that, petitioner is apprehending arrest in the police case.

State is represented.

Apparently, the petitioner is a respondent in WPA 27131 of 2022 in which, order dated February 3, 2023 was passed.

The relevant portion of such order is as follows:

“Insofar as the FIR No. 18 of 2023 dated 06.01.2023 is concerned, since the petitioner has been found at Picnic Garden with his wife, no further investigation is necessary. Any dispute between the petitioner and the

private respondent with regard to any property may be agitated before the appropriate Civil Forum.”

In such circumstances, 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/-, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall meet the Investigating Officer once a month 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

