

23.02.2023
Ct. No.34
S/L No.1
KS

C.R.M.(SB) 38 of 2023
Sri Subir Seal
-Vs.-
The State of West Bengal

In Re: An application for bail under Section **439** of the Code of Criminal Procedure filed in connection with **Posta** Police Station Case No.**47** of **2021** dated **11.05.2021** under Sections **120-B/ 420/ 406** of the Indian Penal Code.

Mr. Dipanjan Chatterjee
Mr. Triptimoy Talukdar
..... For the Petitioner

Mr. Sudip Ghosh
Mr. Apurba Kumar Datta
.....For the State

Mr. Ayan Bhattacharya
.....For the de facto complainant

Petitioner is in custody for 23 days.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the petitioner was kept in police custody for the complete period of first 14 days. According to the learned advocate appearing for the petitioner the present case was initiated for non-payment of a sum of Rs.40,00,000/- and the complaint itself would show that there was commercial transaction taking place in respect of different types of goods. It has been prayed that on any stringent condition petitioner may be released on bail.

Learned advocate appearing for the State produces the Case Diary and opposes the prayer for bail. Learned advocate draws the attention of this Court to the Seizure List in respect of the delivery challans which have been seized as a primary proof of supply of the

goods, as also attention of the Court has been drawn to the statement of the witnesses to show that the investigation is in progress.

Mr. Bhattacharya, learned advocate appearing for the de facto complainant submits that there are further documents which would show the manner in which deception was carried out by the present petitioner and the complainant has suffered huge sum of money because of the act and conduct of the present petitioner.

I have considered the submissions advanced by the learned advocates appearing for the respective parties and taking into account the nature of the allegations as well as the spirit and tenor of the criminal case, as well as the period of detention of the petitioner which includes amongst other 14 days police custody, I am of the opinion that further detention of the petitioner is unwarranted.

Accordingly, the petitioner would be released on bail upon furnishing 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 Learned A.C.M.M. – I, Kolkata. If on bail, the petitioner shall meet with the Investigating Officer of the case once in a week until further orders. The petitioner shall make himself available at the address provided to the Court as well as the Investigating Officer. If there is any change of address, the petitioner shall immediately inform the same to the Investigating Officer of the case as well as to the Learned Court in the alternative, the Learned Court would be at liberty to cancel the bond without making any further reference to this Court.

Accordingly, C.R.M.(SB) 38 of 2023 is disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)