

17.03.2023

Sl.22
Court No.29
(AD)
(Allowed)

C.R.M. (A) 1116 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nandakumar** Police Station Case No.**247 of 2022** dated **02.07.2022** under Sections **120B/323/406/419/420/468/506** of the Indian Penal Code.

And

In the matter of: **Kakali Maity**

....petitioner.

Mr. Suman De

... for the petitioner.

Mr. Saibal Bapuli, Ld. APP

Mr. Soumik Ganguli

...for the State.

Mr. Debasis Sur

Mr. Dilip Kumar Das

... for the de facto complainant.

Petitioner prays for anticipatory bail.

State and the de facto complainant are represented.

Learned Advocate appearing for the petitioner submits that, the petitioner was falsely implicated. Petitioner is a businessman. Petitioner sold and delivered materials to the de facto complainant. De facto complainant made part payment. Balance amount was demanded. De facto complainant entered the premises of the petitioner and assaulted the petitioner for which a police complaint was lodged. Thereafter, the present police complaint was lodged to falsely implicate the petitioner.

Learned Advocate appearing for the State submits that, the petitioner is guilty of issuing fake appointment letter to the de facto complainant.

Learned Advocate appearing for the de facto complainant submits that, proceedings under Section 138 of the Negotiable Instrument Act, are pending as against the petitioner for dishonour of cheques.

In reply to a query of the Court as to the reason why the

cheques were issued by the petitioner, learned Advocate appearing for the de facto complainant submits on instructions that, such cheques were issued for business purposes.

Apparently, there are business dealings between the private parties. Accounts are required to be taken to ascertain the liability, if there be any, of the petitioner to the de facto complainant.

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/- (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) 1116 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)