

31.03.2023

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1381 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bolpur** Police Station Case No. **50** of **2023** dated **13.02.2023** under Sections 406/420 of the Indian Penal Code, 1860.

And

In Re : Tapas Kumar Sircar

..... petitioner

Mr. Abhra Mukherjee

Mr. S. Dutta

Mr. S. K. Mondal

....for the petitioner

Mr. Binoy Kumar Panda

Mr. Subham Bhakat

....for the State

A suit of specific performance was instituted by the de-facto complainant as against the petitioner in a civil Court. Such suit is pending.

The Court is informed that there does not subsist any interim order in such suit. It is, thereafter, the plaintiff in such suit as the de-facto complainant lodged the present police complaint.

The present police complaint, apparently, revolves around the disputes involved in the civil suit.

The disputes, apparently, are civil in nature.

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 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)