

16.05.2023
cm/ct 28
sl no. 46

C.R.M. (DB) No. 1943 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Nandakumar P.S Case No. 247 of 2022** dated **02.07.2022** under Sections **120B/323/406/419/420/468/506** of the Indian Penal Code and adding Sections 467/471 of the Indian Penal Code.

And

Allowed

In Re : Arun Guria & Anr.

..... petitioners

Mr. Suman De

..... for the petitioners

Mr. Saryati Dutta

..... for the De-facto complaint.

Mr. Madhusudan Sur, Ld. A.P.P.

Mr. Dipankar Paramancik for the State

We have considered the materials on record. It is contended that there is business transaction between the parties. Proceedings under Section 138 of the Negotiable Instrument Act was instituted. Belatedly FIR was lodged alleging money had been obtained from the de-facto complainant on the false promise of giving appointment.

Learned lawyer for the State opposes the bail prayer. He submits fake appointment letter was recovered from the de-facto complainant.

Learned lawyer for the de-facto complainant opposes the bail prayer.

We have considered the materials on record. Rival versions emerge with regard to the transaction in question while petitioners contend that there were business transaction between the parties,

it is the contention of the de-facto complainant/State that money had changed hands on the false promise of giving appointment. However, it is relevant to note cheques were issued by the de-facto complainant which had been dishonored and proceedings are pending. No allegation of issuance of fake appointment letter in lieu of monetary transaction has been reflected in the said complaint.

Under such circumstances as petitioners have suffered detention for more than 78 days and further detention for progress of investigation is not necessary. Hence, we are inclined to enlarge the petitioners on bail.

Accordingly, the petitioners be released on bail upon furnishing bonds of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, , Tamluk, Purba Medinipur on condition that the petitioners shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application being CRM (DB) No. 1943 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)