

19.05.2023

Sl.2

Court No.29

(AD)

(Allowed)

C.R.M. (A) 2049 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chandipur** Police Station Case No. **33 of 2020** dated **04.02.2020** under Sections **420/409** of the Indian Penal Code and Charge Sheet No.78/2022 dated 31/03/2022 under Sections **420/409** of the Indian Penal Code.

And

In the matter of: **Arun Kumar Jana & Anr.**

....petitioners.

Mr. Sekhar Kumar Basu, Ld. Sr. Advocate

Ms. Ariba Shahab

Ms. Saachi Agarwal

...for the petitioners.

Mr. Rudradipta Nandy, Ld. APP

Ms. Sonali Das

...for the State.

Petitioners pray for anticipatory bail.

The police case is dated February 4, 2020.

Charge sheet was submitted on March 31, 2022.

With regard to the query of the Court as to why the police did not take the custody of the two petitioners before us, learned Advocate appearing for the State relies upon a written instruction. The written instruction states that process of proclamation and attachment of the two accuseds are yet to be conducted.

As noted above, charge sheet was submitted.

The police complaint relates to disbursement with regard to Pradhan Mantri Awas Yojona. It is essentially based on documents.

In such circumstances, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the

petitioners shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties of like amount each to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioners 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

The prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 2049 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)