

18.05.2023
Sl.23
Court No.29
(AD)
(Allowed)

C.R.M. (A) 2060 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Jorabagan** Police Station Case No.**34 of 2023** dated **10.04.2023** under Sections **420/406/120B/34** of the Indian Penal Code.

And

In the matter of: **Sohini Chanda & Anr.**

....petitioners.

Mr. Sandip Chakraborty
Mr. Dipak Ranjan Mukherjee
Mr. Kaustav Das

... for the petitioners.

Mr. Madhusudan Sur, Ld. APP
Mr. Arabinda Manna

...for the State.

Mr. Deb Pratim Guha
Mr. Subhendu Sinha Roy

... for the de facto complainant.

Petitioners pray for anticipatory bail.

Learned Advocate appearing for the petitioners submits that the petitioners acted on a commercial contract for importing the machines and that the machines are presently lying at the Calcutta Port with the de facto complainant showing no interest for releasing the same.

State and the de facto complainant are represented.

Learned Advocate appearing for the de facto complainant, on instructions, submits that the de facto complainant is not interested in taking delivery of the machines.

Apparently, there are civil disputes between the private parties.

Civil liabilities are required to be ascertained so as to come to a finding as to whether there are any criminal liabilities or not.

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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioners will report before the Investigating Officer as and when called for till the conclusion of the investigation 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.

Accordingly, the prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 2060 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)