

40. 01.06.2023
Ct.8 jb/Tanmoy

Allowed

C.R.M. (A) 2147 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with **Malipanchghora Police Station Case No. 172 of 2022** dated **25/09/2022** under Sections **420/406** of the Indian Penal Code.

And

In the matter of: - **Amalesh Chandra Saha**

...petitioner.

Mr. Suman De,
Mr. Joy Chakraborty,
Ms. Ipsita Ghosh

...for the petitioner.

Mr. Anwar Hossain,
Mr. P.K. Ganguly

...for the State.

Mr. Suman De, learned Advocate appears on behalf of the petitioner and submits that a substantial sum has already been refunded and the case was instituted for recovery of the outstanding.

Mr. Ganguly, learned Advocate appears on behalf of the State and produces the case diary.

Having regard to the fact that the case is based primarily on documents and has been initiated on disputes arising out of an agreement, we are of the opinion that custodial detention of the petitioner may not be warranted in the facts and circumstances of the case.

Accordingly, we grant anticipatory bail to the petitioner.

Accordingly, 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, one of whom must be local, to the

satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall appear before the trial Court and pray for regular bail within four weeks from date.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. (A) 2147 of 2023 is, accordingly, allowed and disposed of.

(Supratim Bhattacharya, J.)

(Tirthankar Ghosh, J.)