

09.06.2023

Sl. 20

Court No. 29

Suvayan

(Allowed)

C.R.M. (A) 2183 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with G.R. Case No. **345** of **2023** pending before the learned CJM, Chandannagar, Hooghly, arising out of **Tarakeswar** Police Station Case No. **72** of **2023** dated **23.02.2023** under Sections **420/406/506** of the Indian Penal Code, 1860.

And

In the matter of: **Imran Mallick**

....petitioner.

Mr. Shouvik Mitter
Ms. Jeenia Rudra
Ms. Megha Chanda

...for the petitioner.

Mr. P. K. Datta, APP
Mr. Santanu Deb Roy

...for the State.

1. Heard learned Counsel for both the parties.
2. The petitioner and the informant are stated to have entered into business transaction. The informant is a jeweler and had grown interest in business of potato seeds and through the present petitioner money was paid to some firm in Punjab. The petitioner, however, suffered loss. Then the petitioner showed his interest in business of onion to be brought from Nasik. In this case also payment was made through the present petitioner and unfortunately, the informant suffered loss. Some jewelry worth Rs. 8,00,000/- (approximately) is stated to have been given to the present petitioner for investment in business which the petitioner is alleged to have not returned. The Case Diary shows that there have been frequent money transactions between the informant and petitioner and that is an admitted fact. The question is whether the present case is one of business transaction or

makes out any criminal liability. The Trial Court is to decide such criminal liability if any.

3. In our view, however, there is no necessity of custodial interrogation of the petitioner inasmuch as all the transactions are there on record and the petitioner also does not deny the business relationship and transaction. The investigation is stated to have progressed substantially.
4. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, circumstances involved and substantial progress in the investigation, it is directed that the petitioner shall be released on bail by the Arresting Officer in the event of his arrest on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the condition that the petitioner shall not threaten, induce or coerce the informant or any other witness and shall appear before the I.O. for the purpose of investigation till the submission of Final Form as and when required.
5. Within three weeks of the receipt of server copy or certified copy of this order, the petitioner is directed to appear before the I.O. alongwith a copy of such order.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. The application being **CRM (A) 2183 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

