

30.06.2023
Item no.13.
Court No.6.
S. De

CRM (A) No. 2441 of 2023

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Hogolberia Police Station Case No.118 of 2023 Dated 16.05.2023 under Sections 420/323/506 of the Indian Penal Code.

And

In the matter of: Suman Mondal @ Suman Kumar Mondal.

.....Petitioner.

Mr. A. Islam,
Mr. Sourav Mukherjee,for the Petitioner.

Mr. Sanjoy Bardhan,
Ms. Debjani Dasgupta,for the State.

The allegation is under Sections 420/323/506 of the Indian Penal Code.

The State says that the petitioner placed an order for supply of a thresher with a company where the defacto complainant works. He also paid advance. Subsequently, he wanted to cancel the deal and get his money back. He borrowed an amount of money from the de facto complainant and never returned the same.

The State also says that notice under Section 41A could not be served on the petitioner as he was not found in the house at the time of service.

We have seen the material in the case diary. The case has a civil dispute flavour. We are of the view that immediate

custodial interrogation of the petitioner may not be necessary so long as he co-operates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner, namely **Suman Mondal @ Suman Kumar Mondal** 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 until further orders and on further condition that he shall report to the Investigating Officer once in a fortnight until completion of investigation.

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) No. 2441 of 2023 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)

