

17.07.2023
(M/L 72)
Ct. No.29
Allowed
(SKB)

CRM (A) 2466 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Sankrail P.S. Case No.1031 of 2021 dated 25.08.2021 under 448/306/506/34 of the Indian Penal Code.

In the matter of : Jayanta Ghosh

... Petitioner

Mr. Mrityunjay Chatterjee,
Mr. Debapriya Majumder

... for the petitioner

Mr. Navanil De

... for the State

1. Heard the learned Counsel for the parties.
2. The petitioner is stated to be the auction purchaser in respect of a property auctioned by the Bank under the SARFAESI Act, 2002. The son of the informant is stated to be the borrower whose property has been sold to the petitioner. The FIR has been lodged about one year after the aforesaid transaction. We do not find any element of Section 107 of the IPC in the statement of the wife of the deceased as recorded under Section 164 of the Cr.P.C. The investigation is stated to have been progressed substantially.
3. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, genesis of events and substantial progress of

investigation, it is directed that the petitioner shall be released on bail by the Arresting Officer in the event of his arrest in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the condition (i) the petitioner shall appear before the IO once in a fortnight on the day and time fixed by the IO till submission of Final Form. (ii) The petitioner shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.

4. Within 21 days from today petitioner is directed to appear before the I.O. along with a server copy or certified copy of this order.
5. Accordingly, the prayer for the anticipatory bail is allowed.
6. The application being CRM(A) 2466 of 2023 is disposed of.
7. The Arresting Officer is hereby directed to act upon the server copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)