

24.08.2023
SL. 8
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 2468 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Asansol South** Police Station Case No. **96 of 2023** dated **18.03.2023** under Sections **420/408** of the IPC.

And

In the matter of: **Krishnendu Bandyopadhyay @ Banerjee**
....petitioner.

Mr. Subrata Bhattacharjya

...for the petitioner.

Mr. Sudip Ghosh

Mr. Koushik Kundu

...for the State.

Mr. Sandip Kr. Bhattacharya

Mr. Dipta Dipak Banerjee

...for the de facto complainant.

1. Heard learned Counsel for both the parties.
2. The report submitted by learned Counsel for the State be taken on record.
3. The alleged misappropriated amount is about Rs. 30 lakhs.
The report of the I.O. has indicated that the petitioner is appearing before the I.O. and he is cooperating in the investigation.
4. Learned Counsel for the informant though not authorized to make submission, is allowed by us to make a submission. He submits that the petitioner has made a false statement to the effect that an amount of Rs.1,47,000/- has been paid to the Metro Tyres Limited, Asansol Branch through PhonePe but on verification by the I.O. it was found that such amount has not been received by Metro Tyres Limited. So far as the offence is concerned there are materials on record in the form of statement of the petitioner at page Nos. 3 and 4 of the C.D. along with supportive documents at page Nos. 275 to 302 onwards of the C.D. The offence alleged is triable by

Magistrate.

5. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of evidence and substantial progress in 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 conditions that:
 - i) The petitioner is directed to appear before the I.O. once in a week on the day and time fixed by the I.O. for the purpose of investigation till submission of F.F.
6. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
7. Within 21 days from today the petitioner shall appear before the I.O. alongwith a server copy/certified copy of this order. If server copy is supplied, learned I.O. shall act upon that.
8. Accordingly, the prayer for the anticipatory bail is allowed.
9. The application being **CRM (A) 2468 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

