

12.09.2023

SL. 4

Court No. 29

Suvayan

(Allowed)

C.R.M. (A) 2868 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Baruipur** Police Station Case No. **525/23** dated **03.05.2023** under Sections **420/406** of the IPC.

And

In the matter of: **Dibakar Naskar**

....petitioner.

Mr. Kamalesh Bhattacharya

Mr. Aninda Bhattacharya

...for the petitioner.

Mr. P. K. Datta, APP

Mr. Santanu Deb Roy

...for the State.

Mr. Pawan Kr. Gupta

Ms. Sofia Nesar

...for the de facto complainant.

1. Heard learned Counsel for both the parties.
2. The petitioner is alleged to have taken Rs. 75 lakhs from the late husband of the informant. The FIR has been lodged after about one and half years of the death of the husband of the informant with the allegation that the informant's husband had paid Rs. 75 lakhs to the petitioner for getting him a flat and a land.
3. *Per contra*, it is the allegation of the petitioner that he had given Rs. 5 lakhs as loan to the late husband of the informant as there was longstanding contact between them and that amount has not been repaid by the deceased husband of the informant.
4. From the C.D. we find that some amount in different installments of Rs. 10,000/-, Rs. 30,000/-, Rs. 50,000/-, etc. have been deposited on different occasions in the account of the petitioner. But whether that is towards payment for flat or land or repayment towards satisfaction of the loan taken

from the petitioner is a question of fact which cannot *prima facie* be decided at this stage.

5. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation 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 fortnight 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) 2868 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

