

28.08.2023

SL. 3

Court No. 29

Suvayan

(Allowed)

C.R.M. (A) 3050 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Girish Park** Police Station Case No. **116 of 2022** dated **05.06.2022** under Sections **420/406/506** of the IPC.

And

In the matter of: **Amrit Kumar Buragohain**

....petitioner.

Mr. Rihav Singh
Mr. Sagar Kr. Mishra
Mr. Rahul Chakraborty
Ms. Subangini Jaiswal
Ms. Sanhita Upadhyay

...for the petitioner.

Mr. Joydeep Roy
Mr. Amanul Islam

...for the State.

Mr. Utpal Majumdar
Ms. Shreya Ghosh Dostidar

...for the de facto complainant.

1. Heard learned Counsel for both the parties.
2. The affidavit filed by the petitioner in Court today is accepted on record.
3. It is submitted by learned Counsel for the petitioner that almost all the documents relating to business transaction between him and the informant have been seized and in the affidavit filed today the petitioner has admitted the liability of amount of Rs. 28,69,249/- so far as business transaction with informant is concerned.
4. Learned Counsel for the State submits that the petitioner has not complied with notice issued by the I.O. under Section 41A Cr.P.C.
5. Learned Counsel for the informant submits that the petitioner has suppressed the fact that N.B.W. has been issued against him by the Court on the prayer of the I.O. in this case but it is submitted by learned Counsel for the State that no

proclamation under Section 82 Cr.P.C. has yet been issued.

6. It is further submitted by learned Counsel for the informant that the petitioner should disclose as to how he propose to repay the amount.
7. Learned Counsel for the petitioner submits that the petitioner having sustained heavy loss during COVID period, he has not yet recovered and the petitioner proposes to pay the amount at least within six months.
8. 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 week on the day and time fixed by the I.O. for the purpose of investigation till submission of F.F.
 - ii) The I.O. may call the parties for amicable settlement between them regarding the matter if they are agreeable.
9. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
10. 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.

11. Accordingly, the prayer for the anticipatory bail is allowed.
12. The application being **CRM (A) 3050 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

