

11.12.2023
(D/L 13)
Ct. No.29
(Allowed)
(SKB)

CRM (A) 3450 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Dhaniyakhali P.S. Case FIR 180 of 2023 dated 29.06.2023 under 420/506/419/120B of the Indian Penal Code.

In the matter of : Jay Prakash Srivastava and others
... Petitioners

Mr. Prasanta Kumar Pakrashi
... for the petitioners

Mr. Debabrata Chatterjee,
Mr. Ssantanu Chatterjee
... for the State

Mr. Ramashis Mukherjee,
Mr. Rameshwar Sinha
... for the defacto complainant

1. Heard learned counsel for the parties.
2. The present petitioner no.3 is the wife of the informant while the petitioner nos.1 and 2 are her family friends. Admittedly, the relationship between the informant and the petitioner no.3 has become strained. There are cases and counter-cases between them regarding their matrimonial dispute as well as property dispute.
3. From the materials as placed before us, we find that the allegation against the petitioner no.1 is that he posed himself as an IAS officer of Jharkhand and threatened the complainant to resolve the dispute with the opposite party no.3 failing which, he would exercise his official power.

4. On perusal of the entire materials as placed before us, we find that this is not a fit case for custodial interrogation, especially, when investigation has already been completed.
5. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation and nature of offence, it is directed that each of the petitioner shall surrender before the learned CJM, Alipore, South 24 Parganas in MP Case No.155 of 2023 arising out of the aforesaid P.S. case within 15 days from today. On their surrender and application for bail, they shall be released on bail by the aforesaid Court on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. The application being CRM(A) 3450 of 2023 is disposed of.
8. The learned court below is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)