

30.08.2023
SL. 30
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 3473 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hemtabad** Police Station Case No. **205** of **2022** dated **04.07.2022** under Sections **420/406/468/34** IPC.

And

In the matter of: **Damewan Muliar**

....petitioner.

Mr. Sayan De
Mr. Sayan Kanjilal

...for the petitioner.

Mr. Joydeep Roy
Ms. Sujata Das

...for the State.

1. Heard learned Counsel for the parties.
2. The petitioner is stated to be an employee of the bank. The manager of the bank and brother of the borrower are stated to have been released on anticipatory bail by the co-ordinate Bench.
3. It is alleged that the property, which is a species of joint family property was mortgaged by one of the brothers for availing loan. In that loan, the elder brother of the borrower was the guarantor. The borrower failed to repay the loan. The bank proceeded under SARFAESI Act and took the property into their symbolic possession. Then the elder brother came forward denying any signature by him on the loan application as a guarantor.
4. Regard being had to the facts and submission, 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 in

the event of his arrest by the Arresting Officer 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 Final Form.

5. The petitioner is directed to appear before the I.O. within 21 days from today along with a server copy or certified copy of this order.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. The application being **CRM (A) 3473 of 2023** is disposed of.
8. The I.O. is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

