

30.08.2023
D/L 52
Ct. No.29
(Allowed)
(SKB)

CRM (A) 3500 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Posta P. S. Case No.83 of 2023 dated 01.07.2023 under Sections 406/420/506 of the IPC corresponding to G.R. Case No.686 of 2023.

In the matter of : Rajesh Prasad Gupta
@ Rajesh Gupta

... Petitioner

Mr. Rohan Ojha,
Mr. Shadab Shabbir Abbasi,
Mr. Surojit Saha,
Mr. Shamim Akhter

... for the petitioner

Ms. Anasuya Sinha,
Ms. Subashree Patel

... for the State

Md. Shahjahan Hossain,
Ms. S. Sultana

... for the defacto complainant

1. Heard learned Counsel for the parties.
2. The informant and the petitioner are jewellers by profession. Admittedly, there has been business transaction between them since 12 years. The petitioner is alleged to have not paid outstanding dues of Rs.12,00,153/- to the informant since 2018 towards the cost of silver jewellery taken from the informant.
3. Learned counsel for the informant/defacto complainant submits that the entire silver (supplied by the informant) is in the possession of the petitioner and he is not

complying the notice issued by the IO under Section 41A Cr.P.C.

4. Learned counsel for the State submits that the petitioner has cheated the informant by holding back the consideration of the silvery jewellery which he has taken from the informant.
5. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of transaction 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:
 - i) The petitioner is directed to appear before the IO once in a week on the day and time fixed by the IO for the purpose of investigation till submission of Final Form.
 - ii) The petitioner shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. Within 21 days from today petitioner is directed to appear before the I.O. along with a server copy or certified copy of this order.

8. The applications being CRM(A) 3500 of 2023 is disposed of.
9. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)