

03.10.2023

SL. 26

Court No. 29

Sourav

(Allowed)

C.R.M. (A) 3957 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nischinda** Police Station Case No. **90** of **2023** dated **24.05.2023** under Sections **420/406** IPC (corresponding to G.R. Case No. 2470 of 2023).

And

In the matter of: **Gopal Krishna Dewonjee**

....petitioner.

Mr. Mohit Gupta

Ms. Sneha Dutta

...for the petitioner.

Mr. Swapan Banerjee

Mr. Anindya Sunddar Chatterjee

...for the State.

1. Heard learned Counsel for the parties.
2. Admittedly, an agreement to sale was executed between the present petitioner and the informant sometime in 2005 and subsequently, another agreement was executed between them for the self-same purpose extending the period. Some amount is stated to have been paid by the informant and the petitioner is stated to have failed to perform his part of the promise. The entire incident is purely civil in nature and no useful purpose is going to be served by custodial interrogation of the present petitioner who is stated to be 95 years old.
3. Regard being had to the facts and submission, factum of permanent residence of the petitioner, nature of allegation, old age of the present petitioner 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.

4. 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.
5. Accordingly, the prayer for anticipatory bail is allowed.
6. The application being **CRM (A) 3957 of 2023** is disposed of.
7. 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.)

