

03.10.2023

SL. 54

Court No. 29

Sourav

(Allowed)

C.R.M. (A) 3987 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Gosaba** Police Station Case No. **138** of **2020** dated **22.09.2020** under Sections **420/406/417/409/506/34** IPC.

And

In the matter of: **Gonesh Mandal @ Ganesh Mandal**

....petitioner.

Mr. Gobinda Chandra Baidya

Mr. Gobinda Baidya

...for the petitioner.

Mr. Debabrata Chatterjee, Ld. APP

Mr. Santanu Chatterjee

...for the State.

1. Heard learned Counsel for the parties.
2. Considered the materials placed before us. The present petitioner is a name sake of one victim whose land had been damaged due to storm and who had died prior to 2009. The cheque pursuant to damage to land on account of storm Aayela in 2016 was issued in favour of the name sake of the present petitioner. The present petitioner, however, did not loose the chance to encash the cheque in her account and enjoy the amount. The FIR was lodged in 2020. The amount involved is 2,24,178/-.
3. Learned Counsel for the petitioner submits that the petitioner is a day labour and the cheque having come from the Government, the petitioner did not realize that it has been issued in favour of the deceased person and believing that the cheque has been issued to him, being a day labourer, he encashed the cheque and enjoyed the benefit.

4. Regard being had to the facts and submission, 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 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.
5. 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.
6. Accordingly, the prayer for anticipatory bail is allowed.
7. The application being **CRM (A) 3987 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.)

