

04.10.2023
SL. 45
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 4040 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Galsi** Police Station Case No. **471 of 2023** dated **06.08.2023** under Section **407** of the IPC.

And

In the matter of: **Sanju Biswas**

....petitioner.

Ms. Sananda Bhattacharyya

...for the petitioner.

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

...for the State.

1. Heard learned Counsel for both the parties.
2. Admittedly the present petitioner was an employee in the company of the informant. It is the case of the petitioner that after tendering his resignation a false case has been made out against him for non-payment of Rs. 2,90,000/- (two lakh ninety thousand only) in the account of the informant company with a further allegation that he has not returned his laptop.
3. From the materials placed before us, it reveals that after tendering resignation there were exchange of letters and mails between the petitioner and the informant company where a dispute is found to be *prima facie* prominent with regard to the correctness of the statement of accounts as well as with regard to the return of the laptop.
4. Since the entire investigation is based on documents and since the present petitioner has already resigned from the company of the informant, there is hardly any possibility on the part of the petitioner to tamper with the evidence to be collected by the I.O. in course of investigation.

5. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of offence 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 condition that:
- i) The petitioner is directed to appear before the I.O. once in a week on the day and time fixed by the I.O. for the purpose of investigation till submission of F.F.
6. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
7. Within 21 days from today the petitioner shall appear before the I.O. alongwith a server copy/certified copy of this order. If server copy is supplied, learned I.O. shall act upon that.
8. Accordingly, the prayer for the anticipatory bail is allowed.
7. The application being CRM (A) 4040 of 2023 is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

