

29.09.2023
Sl. No.60
akd
[ALLOWED]

C. R. M. (A) 4254 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 15.09.2023 in connection with Beniapukur Police Station Case No. 195 of 2023 dated 23.07.2023 under Sections 420/406/506/120B of the Indian Penal Code. (G.R. Case No.1781 of 2023)

And

In Re: ***Vimal Tiwari & Anr.***

... .. Petitioners

Mr. Pawan Kumar Gupta
Mr. Sailendra Tiwari
Ms. Sofia Nesar
Mr. Santanu Sett

... .. for the petitioners

Mr. Ranabir Roy Chowdhury
Mr. Sandip Chakraborty

... .. for the State

1. It is submitted on behalf of the petitioners that there was a running transaction between the parties. Allegation of cheating is out and out false. Accordingly, they pray for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail and submits a sum of over Rs. Five lakhs is due and payable to the de-facto complainant.
3. We have considered the materials on record. There was a running transaction between the petitioner and de-facto complainant. Whether the matter relates to settlement of accounts or discloses ingredients of the offence of cheating may be adjudicated at the appropriate stage of the proceeding. However, in view of the nature of accusation, we are of the opinion though custodial interrogation of the petitioners may not be necessary in the facts of the present case, they require to cooperate with the investigation in accordance with law.

4. Accordingly, we direct that in the event of arrest, the petitioners, namely **(1) Vimal Tiwari & (2) Om Tiwari**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall meet the Investigating Officer once in a week until further orders and shall appear before the court below and pray for regular bail within four weeks from date.
5. The application for anticipatory bail is, thus, disposed of.

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)