

09.02.2023

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***Calcutta High Court***  
***In the Circuit Bench at Jalpaiguri***

**CRM (A) 49 of 2023**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 09.01.2023 in connection with Bhaktinagar Police Station Case No. 851 of 2020 dated 01.10.2020 under Sections 420/408 of the Indian Penal Code.

In the matter of : Biswajit Sen

... petitioner

Mr. Nabankur Paul

...for the petitioner

Mr. Aditi Shankar Chakraborty,  
Mr. Kallol Nag

.....for the State.

Heard learned counsel for the parties.

Learned counsel appearing for the petitioner contends that the petitioner has been entangled in the present allegation although other alleged perpetrators have been let off scot-free. It is further submitted that in view of the nature of allegation and the fact that the charge sheet has already been submitted, the petitioner may be granted anticipatory bail.

Learned counsel appearing for the State opposes the prayer for anticipatory bail and submits that the allegations against the present petitioner are serious as the present petitioner issued the cheques-in-question, which bounced.

That apart, it is submitted that the nature of allegations against the petitioner is much serious than the other alleged perpetrators.

However, since charge sheet has already been submitted and the allegations made against the petitioner are the subject-matter of trial and keeping in view the nature and gravity of the crime, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, CRM (A) 49 of 2023 is allowed, thereby granting anticipatory bail to the petitioner on condition that the petitioner shall comply with the conditions as stipulated in Section 438(2) of the Code of Criminal Procedure.

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.30,000/- (Rupees Thirty Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri and on further condition that the petitioner shall not leave the territorial jurisdiction of the trial court and shall make himself available before the trial court as and when so required by the said court.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)

