

03.05.2023
KC (1)

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M.(A) 184 of 2023

In the Matter of : Anjana Sarkar Dutta @ Anjana Dutta
and Ors.
.... petitioners.

Mr. Satarudriya Mukherjee,
Mr. Ankur Barman,
Ms. Oshmita Mukherjee,
Mr. Debajit Kundu.....For the petitioners.

Mr. Nilay Chakraborty,
Mr. Dhiman Seal.....For the State.

This is an application for grant of anticipatory bail filed under Section 438 of the Code of Criminal Procedure, 1973 in connection with Mathabhanga Police Station Case No. 647 of 2022 dated 7th November, 2022 under Sections 420/406/468/34 of the Indian Penal Code.

Prima facie it appears that the entire transaction on which the complaint is founded against the petitioners is civil.

The de-facto complainant acquired a vehicle on hire purchase from a finance company. Although under the terms the vehicle is hypothecated with the financier and cannot be sold by the purchaser without his consent, the de-facto complainant sold the vehicle to the petitioner no. 1 on inter alia the term and condition that out of the sale

proceeds the financier would be paid. The petitioners seem to have committed default in making this payment. Hence, the complaint was made by the de-facto complainant.

We are not going into the merits of the complaint but notice that the complaint was lodged on 9th October, 2022.

On the above facts and also considering that the police has taken no action against the petitioners since 9th October, 2022, we do not think that custodial interrogation is required.

In those circumstances, we allow this application for anticipatory bail on the following terms:

We direct that in the event of arrest the petitioners shall be released on bail on furnishing security of Rs. 10,000/- (Rupees Ten Thousand) each with personal release bond of equivalent value to the satisfaction of the arresting officer.

The petitioners will also comply with the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

We impose further conditions that:

- (a) The petitioners shall immediately deposit their passports, if they possess one, with the investigating officer.

- (b) They shall appear before the investigating officer for interrogation as and when summoned.
- (c) They shall not leave the limits of the district Cooch Behar without informing the investigating officer of the details of their whereabouts.
- (d) They shall not tamper with evidence or interfere with the witnesses in any manner.
- (e) The petitioners shall appear before the court below and pray for regular bail within a period of four weeks from date.

CRM(A) 184 of 2023 is disposed of.

(I.P. MUKERJI, J.)

(ANANYA BANDYOPADHYAY, J.)

