

11.05.2023
PP (5)

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

CRM (A) 211 of 2023

In the Matter of : Ataur Rahman @ Md. Ataul Rahaman and
Anr.

.... Petitioners.

Mr. T. Pandit,
Mr. Debajit Kundu.

....for the petitioners.

Mr. Kallol Acharjee
Mr. Arjun Chowdhury.....For the State.

1. This is an application under Section 438 of the Code of Criminal Procedure (in short, Cr.P.C.), 1973 made by the petitioners on the apprehension being arrested in connection with Siliguri Police Station Case No. 1053 of 2022 dated 12th November, 2022 under Sections 406/408/417/420/468/471 and 120B of the Indian Penal Code (in short, IPC), 1860.

2. The allegations against the petitioners are that they are the suspect in respect of certain illegal and unauthorized transactions concerning TMT bars of which the de-facto complainant is a dealer. The de-facto complainant had lodged an FIR against one Amit Chaudhary and his associates wherein the petitioner no.1 was not named.

3. It is the case of the prosecution that in course of investigation the name of the petitioner no.1 surfaced. The petitioner no.2 is a woman but an FIR named person. The husband of the petitioner no.2, we are told, had been arrested and is now enlarged on bail.

4. The learned advocate for the prosecution opposes the bail on the ground that the petitioners are absconding.

5. However, no notice under Section 41A of the Cr.P.C. is shown to have been issued against the petitioners as yet. The investigation is continuing since November, 2022 and at present more than 6 months have elapsed.

6. In the aforesaid facts and circumstances, keeping in mind that the matter involves commercial transactions which may or may not, as it stands today, be of such nature which requires custodial enquiry.

7. We accordingly allow this application for anticipatory bail on the following terms:

(a) We direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of like amount each, to the satisfaction of the Arresting Officer.

(b) The petitioners will also comply with the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

8. We impose further conditions that:

- (a) The petitioner/petitioners shall immediately deposit their passports, if they possess one, with the investigating officer.
- (b) The petitioner/petitioners shall appear before the investigating officer for interrogation as and when summoned.
- (c) The petitioner/petitioners shall not enter the local limits of the jurisdictional police station save for meeting the Investigating Officer.
- (d) The petitioner/petitioners shall provide the details and whereabouts of his/her/their to the Investigating Officer.
- (e) The petitioner/petitioners shall not leave the limits of the district Jalpaiguri without informing the investigating officer of the details of their whereabouts.
- (f) The petitioner/petitioners shall not tamper with evidence or interfere with the witnesses in any manner.
- (g) The petitioner/petitioners shall appear before the court below and pray for regular bail within a period of four weeks from date.

9. The application for anticipatory bail CRM(A) 211 of 2023 is disposed of.

(Ananya Bandyopadhyay, J.)

(Arindam Mukherjee, J.)

