

11.05.2023

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

C.R.M.(A) 230 of 2023

In the Matter of : **Pawan Kumar Gupta & Anr.**

.... Petitioners.

Mr. Deborshi Dhar

....for the petitioner.

Mr. Aditi Shankar Chakroborty

Mr. Kallol Nag

.....For the State.

This is an application for grant of anticipatory bail filed under the provisions of Section 438 of the Code of Criminal Procedure, 1973 (in short, Cr. P.C.) in connection with Jalpaiguri Police Station Case No.64 of 2023 dated 25.01.2023 under Sections 406/420/120B of the India Penal Code, 1860 (in short, IPC) corresponding to G.R case No.388 of 2023 pending before the Ld. Chief Judicial Magistrate, Jalpaiguri.

The allegation of the de-facto complainant is that the petitioner no.2 introduced the petitioner no.1 to her. Subsequent, the petitioner no.1 and the de facto

complainant opened a shop for purchase and sale of goods used in baking purpose and allied products. The petitioner no.1 use to withdraw cash from the shop account and return the same by electronic mode of money transfer. At one point of time the petitioner no.1 withdrew huge sum but failed and neglected to repay the same on the plea that the same has been spent in the business..

It is an admitted position that the de-facto complainant have been jointly carrying on business with petitioner no.1 who actively participated in the business. It is, therefor, that the loans which the de facto complainant has alleged to have been taken by the petitioner no.1 may be in connection with the business or spent in the business. The complaint is dated 24th January, 2023 and as such about 4 months have elapsed in between.

Keeping in mind that the transactions being commercial in nature and that 4 months have elapsed, the charge sheet has not been filed as yet and the Investigating Officer has made no attempt to arrest the petitioners, we are of the view that custodial interrogation is not require for the progress of the investigation.

Considering the aforesaid facts and circumstances, we accordingly 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 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.

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 Jalpaiguri without informing the investigating officer of the details of their whereabouts.
- (d) They shall not tamper with evidence or intimidate 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.

The application for anticipatory bail, being CRM(A) 230 of 2023 is disposed of.

(Ananya Bandyopadhyay, J.) (Arindam Mukherjee, J.)