

12.6.2023

Sl. No.41
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[ALLOWED]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

CRM (A) 345 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Malbazar Police Station Case No. 900 of 2022 dated 28.11.2022 under Section 406 of the Indian Penal Code.

And

In Re: ***Hindol Bhattacharjee @ Hindal Bhattacharya***
... .. Petitioner

Mr. Aniruddha Biswas
Mr. Suhartha Sarkar

... .. for the petitioner

Mr. Abhijit Sarkar
Mr. Chattu Roy

... .. for the State

Heard the learned Advocates appearing for both the parties.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has been falsely implicated in the alleged commission of offence.

It is further submitted that no notice under Section 41A of the Code of Criminal Procedure has been served upon the petitioner.

Learned counsel appearing on behalf of the State in opposing the prayer for bail has submitted that the petitioner has cheated three persons and has sold a garage to three different buyers.

Having considered the nature of offence and the fact that the no notice under Section 41A of the Code of Criminal Procedure has been served upon the petitioner and on an undertaking that the petitioner shall cooperate with the Investigating Officer, we are of the

view that the custodial interrogation of the accused/petitioner may not be necessary and the petitioner may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioner be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, 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 petitioner shall meet the Investigating Officer once in a week till the charge-sheet is filed and co-operate with the investigation and on further condition that the petitioner shall not leave the jurisdiction without the permission of the jurisdictional court and shall surrender before the court below within four weeks from date and pray for regular bail.

The application for anticipatory bail is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this court.

(Raja Basu Chowdhury, J.)

(Soumen Sen J.)