

31.08.2023
Item no.21
Court No.01
Avijit Mitra

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

CRM (A) 719 of 2023

In Re:- An application for anticipatory bail under Section 438 of
the Code of Criminal Procedure;

And

In Re : Sajjan Kumar Agarwal

.... Petitioner

Mr. Joydeep Kanta Bhowmik,
Mr. Sayantan Bhowmik,
Ms. Rikta Sarkar

....for the petitioner

Mr. Abhijit Sarkar,
Mr. Dhiman Sil

..... for the State

Apprehending arrest in connection with Rajganj Police
Station Case No.504 of 2022 dated 22.09.2022 under Sections
406/419/420/120b/34 of the Indian Penal Code, the present
application has been preferred.

Mr. Bhowmik, learned advocate appearing for the
petitioner submits that the petitioner has no nexus with the
alleged offence. The *de facto* complainant lodged the complaint
stating *inter alia* that some persons allured him to execute a
power of attorney in their names to sell some properties located
within the jurisdiction of Rajganj Police Station. Subsequently
the complainant cancelled the said power of attorney. The
petitioner herein purchased a portion of the land on the basis of

a deed executed by the said power of attorney holders. The said deed executed has also subsequently been cancelled. In the said conspectus, the petitioner's custodial interrogation is not necessary.

Mr. Sarkar, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary.

Prima facie, the documents on record do not reveal the petitioner's involvement in the alleged offence. Considering the nature of accusations and the possible extent of complicity of the petitioner in the alleged offence, we are of the opinion that his custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest, the petitioner namely, **Sajjan Kumar Agarwal** be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

It is further directed that the petitioner shall not tamper with the evidence or intimidate the witnesses.

The application for anticipatory bail CRM (A) 719 of 2023 is disposed of.

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

(Lapita Banerji, J.)

(Tapabrata Chakraborty, J.)