

D/L 221
January 31, 2023
MNS

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (A) 768 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 19.12.2022 in connection with Siliguri Police Station Case No. 297 of 2021 dated 11.04.2021 under Sections 406/420/325/34 of the Indian Penal Code, 1860

And

In the matter of: Bishnu Thakur and another

.... petitioners

Mr. Jaydeep Kanta Bhowmick,
Mr. Sayantan Bhowmik

... for the petitioners

Mr. Nilay Chakraborty,
Mr. Sourav Ganguly

... for the State

Learned counsel for the petitioners contends that the petitioners are admittedly co-directors of a company with the de facto complainant. It is submitted that the nature of the allegation as made out in the application under Section 156(3) of the Code of Criminal Procedure indicates that initially an amount of Rs. 10 lakh was given by the de facto complainant to the petitioners. Subsequently the petitioners/accused persons allegedly withdrew themselves from the business and affair of the company and started avoiding telephone calls and communication with the complainant.

Learned counsel for the State opposes the prayer for anticipatory bail and submits that the amount concerned is substantial, that is, to the tune of Rs. 10 lakh.

Upon consideration of the materials on record, we are of the opinion that there is sufficient scope of granting the relief of anticipatory bail to the petitioners in view of the attending circumstances.

Accordingly, CRM (A) 768 of 2022 is allowed, thereby granting anticipatory bail to the petitioners on condition that the petitioners shall satisfy the stipulations in Section 438(2) of the Code of Criminal Procedure.

In the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.20,000/-each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Siliguri. The sureties may be common in the case of all the petitioners. The petitioners shall not leave the jurisdiction of the concerned police station during investigation and shall meet the Investigating Officer as and when so required by the said Investigating officer.

CRM (A) 768 of 2022 is disposed of.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)