

29.02.2024

15

Ct. No. 29

S.D.

Allowed

C.R.M.(A) 710 of 2024

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Sagarpara** Police Station Case No. **363 of 2023** dated **29.11.2023** under Section **448/376(1)/506** of the Indian Penal Code.

And

In Re : **Ariful Mondal @ Ariful Molla**

..... petitioner

Mr. Arnab Chatterjee

Ms. Dhanasree Biswas

Ms. Poulami Bose

...for the petitioner

Ms. Mamata Jana

...for the State

Mr. Sujoy Sarkar

Mr. Rahul Chachan

..for the defacto-complainant

Petitioner, State and the defacto-complainant are represented.

Learned advocate appearing for the petitioner submits that, the petitioner is an employee of a company, which extends financial assistances. Financial assistance was given to the defacto-complainant. On the attempt to recover the financial assistance, a false case was lodged as against the petitioner.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement of the defacto-complainant recorded under Section 164 of the Cr.P.C.

Learned advocate appearing for the defacto-complainant submits that, the defacto-complainant took certain materials from the company in which the petitioner was employed.

At the very least, the jural relationship between the defacto-complainant and the company in which the petitioner was working stands admitted by the defacto-complainant.

The materials in the case diary need to be considered in such context.

Defacto-complainant refused to undergo medico legal examination.

In such circumstances, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner will report before the Investigating Officer once a fortnight till the conclusion of the investigation. The petitioner shall appear on every date before the Jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)