

02.07.2024

Court No.29

Item No. 02

Allowed

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CRM (A) 936 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Shakespeare Sarani Police Station Case No. 145 of 2023 dated 30.08.2023 corresponding to G.R. Case no. 1007 of 2023 under Sections 120B/420/406/467/468/471 of the Indian Penal Code.

And

In Re: Amiya Sardar

Petitioner

Mr. Pawan Kumar Gupta
Mr. Dibayan Banerji
Mr. Abhijit Roy Chowdhury
Mr. Nayan Biswas

For the Petitioner

Mr. P.K. Dutta
Mr. Asif Dewan

For the State

Mr. Sumeet Chowdhury
Mr. Mohit Gupta
Mr. Sneha Dutta

For the De-facto Complainant

1. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the instant case. It is submitted that the documents would show that the petitioner has paid E.M.I notwithstanding allegations have been made by the de-facto complainant that he has forged the documents.
2. Learned counsel for the de-facto complainant and the State in opposing the prayer for anticipatory bail has submitted that the petitioner involved part of a racket. However, we could not find any substantial in the case diary as of now.
3. Considering the materials available in the case diary and the learned counsel for the petitioner submits that the petitioner shall cooperate with

the investigation and having regard to the fact that the dispute is between the parties, we are of the view that custodial interrogation of the petitioner is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioner namely, **Amiya Sardar** shall be released on bail upon furnishing a bond of Rs.20,000/-, with two sureties of like amount each, one of whom must be local, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner shall meet the Investigating Officer once in a week and cooperate with the investigation till the submission of the final report and on further condition that the petitioner shall not leave the jurisdiction of Sonarpur Police Station without the leave of the Investigating Officer till the submission of the final report and the petitioner shall appear before the learned Chief Metropolitan Magistrate, Calcutta within two weeks from date in connection with G.R Case No. 1007 of 2023 and on further condition that the petitioner shall surrender the pass-port and in the event the petitioner does not have the pass-port, he shall file an affidavit to that effect. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.
5. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.
6. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Uday Kumar , J)

