

18.07.2024

Court No.29

Item No.03

Allowed

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CRM (A) 2104 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Basirhat Police Station Case No. 344 of 2024 dated 22.05.2024 corresponding to G.R Case No. 2194 of 2024 under Sections 420/406 of the Indian Penal Code.

And

In Re: Mostafijur Mondal @ Mostafiju Mandal

Petitioner

Mr. Angshuman Chakraborty

Mr. S.S Saha

For the Petitioner

Mr. Anand Kesri

Mrs. Baishakhi Chatterjee

For the State

Mr. Gautam Banerjee

For the De-facto Complainant

1. Heard the learned counsel appearing for the parties.
2. In terms of our earlier order, the petitioner met the I.O and cooperated with investigation. The petitioner has also filed an affidavit today in which (in paragraphs 2 and 3) he has stated that he has paid Rs.2,00,000/- (Two lakhs) and the balance amount would be paid in 49 equal monthly instalments. In fact, he undertakes to pay the said amount in terms of agreement dated 6th April, 2024.
3. Learned counsel for the de-facto complainant has not opposed the prayer anticipatory bail in view of such undertaking and assurance.
4. Considering the materials available in the case diary and that the petitioner has filed an affidavit giving undertaking that he shall pay the balance consideration amount in 49 equal monthly instalments as per the

agreement dated 6th April, 2024, we are of the view that the custodial interrogation of the petitioner is not necessary.

5. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Mostafijur Mondal @ Mostafiju Mandal** be released on bail upon furnishing a bond of Rs.3,000/-, with two registered sureties of like amount each, 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 as and when called for till the submission of the final report.
6. The de-facto complainant shall issue receipt for the E.M.Is to be paid in terms of the affidavit filed today in this proceeding.
7. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.
8. In case of non-compliance of the conditions, de-facto complainant shall be at liberty to proceed for cancellation of bail of the petitioner.
9. 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)