

12.07.2024
Court No.29
Item No. 16

Allowed

sg

CRM (A) 2176 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Bhowanipore Police Station Case No. 70 of 2024 dated 25.04.2024 under Sections 406/420/120B of the Indian Penal Code, pending before the learned Chief Judicial Magistrate, Alipore, South 24 Parganas.

And

In Re: **Sudhangsu Sarkar**

Petitioner

Mr. Y.J. Dastoor
Mr. Prabir Majumder
Mr. Snehansu Majumder

For the Petitioner

Mr. Debabrata Chatterjee
Mrs. Rituparna Saha

For the State

1. The learned Counsel for the petitioner submits that the petitioner has been cheating by Somraj Saha and Ayush Virmani in selling the car to the petitioner without disclosing that the State Bank of India has not issued a ‘no due certificate’. The petitioner proceeds on the basis that all the EMIs under the hypothecation would be duly paid by the seller.
2. The learned Counsel for the State produces the case diary and submits that the petitioner has not complied with the notice under Section 41A of the Code of Criminal Procedure. It is further submitted that the record would show that the State Bank of India has not received the payment in full.
3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of alleged offence and having

regard to the fact that all the documents have already been supplied to the Investigating Agency, we are of the view that the custodial interrogation of the petitioner is not necessary.

4. Accordingly, we direct that in the event of arrest the petitioner namely, **Sudhangsu Sarkar**, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and the petitioner shall meet the I.O. once in a week till the submission of final report. The petitioner shall appear before the learned Chief Judicial Magistrate, Alipore, South 24 Parganas, in connection with S.L. Case No. 61 of 2024, within two weeks from date.
5. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
6. CRM (A) 2176 of 2024 is, thus, disposed of.
7. 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.)