

08.07.2024

Court No.29

Item No. 37

Allowed

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CRM (A) 2219 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Khanakul Police Station Case No. 274 of 2024 dated 09.06.2024 corresponding to G.R Case No. 955 of 2024 under Sections 420/406 of the Indian Penal Code.

And

In Re: Bijoy Kumar Samanta @ Bijay Samanta

Petitioner

Mr. Niladri Sekhar Ghosh

Ms. Sompurna Chatterjee

Mr. Sourav Mondal

Ms. Laboni Sikdar

For the Petitioner

Mr. Arindam Sen

Mr. Soham De Dhara

For the State

1. Learned counsel for the petitioner submits that the petitioner is innocent and is no way connected with the dispute between the de-facto complainant and the Global Transport Company through whom the petitioner had hired the vehicle. All financial dealings between the petitioner and the Global Transport Company was concluded at least two years prior to the complaint.
2. Learned counsel for the State has referred to the statement of the complainant and two independent witnesses in opposing the prayer for anticipatory bail.
3. Considering the materials available in the case diary, the statement of the complainant it prima facie appears that the petitioner has hired the vehicle from Global Transport Company and there is no privity of contract per se between the petitioner and the complainant and moreover, the FIR was

lodged almost after three years against the petitioner, 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, **Bijoy Kumar Samanta @ Bijay Samanta** 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, 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 or as and when called for till the submission of the final report and on further condition that the petitioner shall appear before the learned Additional Chief Judicial Magistrate, Arambagh, Hooghly within two weeks from date in connection with G.R Case No. 955 of 2024. 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)

