

09.07.2024
Court No.29
Item No. 51

Partly Allowed

sg

CRM (A) 2264 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Jamuria Police Station Case No. 419 of 2023 dated 17.09.2023 under Sections 467/468/471/420/419/120B of the Indian Penal Code, pending before the learned Chief Judicial Magistrate, Asansol, Paschim Bardhaman.

And

In Re: **Suman Mukherjee & Anr.**

Petitioners

Mr. Apurba Kr. Datta

For the Petitioner

Mr. Rudradipta Nandy
Ms. S. Saha

For the State

1. The learned Counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in the instant case and in any event, they returned a sum of Rs.35,000/- approximately.
2. The learned Counsel for the State has produced the case diary wherefrom it appears that the petitioner no.1 has prima facie taken money on the assurance of job.
3. Considering the materials available in the case diary and the nature and extent of involvement of the petitioners in the commission of alleged offence, we are of the view that the custodial interrogation of the present petitioner no.2 is not necessary. However, we are not inclined to grant anticipatory bail to the petitioner no.1.

4. Accordingly, we direct that in the event of arrest the petitioner no.2 namely, **Goutam Mukherjee**, 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, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure. The petitioner no.1 shall meet the I.O. once in a week till the submission of final report. The petitioner no.2 shall appear before the learned trial Court within two weeks from date and thereafter shall appear on each and every date of hearing and.
5. Accordingly, the prayer for anticipatory bail of the petitioner no.2 is allowed and the application for anticipatory bail for the petitioner no.1 is rejected.
6. CRM (A) 2264 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.)