

24.7.2024
SL No.35
Ct No. 29
SB

CRM (A) 2466 of 2024

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Domjur Police Station Case No. 438 of 2024 dated 13.6.2024 under Section 380 of Indian Penal Code.

And

Ibadul Mollah

Vs.

The State of West Bengal

Mr. Dev Kumar Sharma
Mr. Partha Pratim Das
Mr. Monjit Chakraborty ... for the petitioner.

Mr. Pravas Kr. Bhattacharyya
Mr. Raju Mondal ... for the State

Mr. Tauhid Khan
Mr. Susmita Das ... for the de facto complainant

1. Learned counsel appearing for the petitioner submits that the petitioner has worked under the de facto complainant and towards his remuneration a cheque for sum of Rs.2 lacs was issued by the de facto complainant which was dishonoured on presentation following which a legal notice was issued. A false complaint has been lodged after the legal notice was issued.
2. Learned counsel appearing for the State submits that petitioner was not complied with the notice under Section 41A of Code of Criminal Procedure.
3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence and the nature of dispute between the parties, we are of the opinion that custodial interrogation of the petitioner is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioner namely, Ibadul Mollah shall be released on bail upon furnishing a bond of Rs.10,000/- one of whom must be local, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. The petitioners shall meet the Investigating Officer of the case once in week or as and when required and shall not leave the jurisdiction of the Domjur Police Station without the permission of the Investigating Officer till the submission of the final report.
5. It is further directed that the present petitioner shall appear before the learned Chief Judicial Magistrate, Howrah in connection with G.R. Case No. 2909 of 2024 within two weeks from date and pray for regular bail.
6. In default the Jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court
7. Accordingly, the application for anticipatory bail is disposed of.
8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Uday Kumar, J.)

(Soumen Sen, J.)